

REFERENCE NO: CR/2015/0435/FUL

LOCATION: [LAND PARCEL AT JERSEY FARM, COUNTY OAK WAY, LANGLEY GREEN, CRAWLEY](#)
WARD: Langley Green
PROPOSAL: CONSTRUCTION OF AN INDUSTRIAL WAREHOUSE BUILDING COMPRISING THREE UNITS, A, B AND C, TO PROVIDE B2 AND B8 USAGE, TOGETHER WITH ASSOCIATED PARKING AND AMENITY (UPDATED PLANNING STATEMENT RECEIVED)

TARGET DECISION DATE: 1 October 2015

CASE OFFICER: Mr M. Robinson

APPLICANTS NAME: Windsor Developments Limited
AGENTS NAME: Robert Davies John West Ltd

PLANS & DRAWINGS CONSIDERED:

L390/101 Rev B Block Plan & Images
L390/103 Rev B Proposed Floor Plans & Elevations
Obstacle Limitation Surfaces Height Restrictions
301-001 Proposed Outline Drainage Strategy
CBC0001 Levels Plan
L390/102 Rev C Proposed Site Layout
263-001-01B Landscape Mitigation Strategy

CONSULTEE RENOTIFICATIONS & RESPONSES:-

- | | | |
|----|---|--|
| 1. | GAL - Planning Department | No additional comments have been received. |
| 2. | WSCC - Highways | No objection subject to conditions and a transport S106 contribution requirement. |
| 3. | CBC - Drainage Officer | No additional comments received. |
| 4. | CBC - FP - Energy Efficiency & Sustainability | No objection subject to conditions to ensure the delivery of sustainability measures and that provision is made to connect to a potential District Energy Network. |
| 5. | CBC - FP - Retail & Employment | No objection, the proposal would comply with policy EC1 of the Local Plan. |

REASON FOR REPORTING TO COMMITTEE:-

- 1.1 The application was originally considered by the Development Control Committee on 21st September 2015, and it was resolved to permit the development subject to the completion of the S106 agreement. The applicant has not yet completed the S106 agreement although there have been on-going discussions relating to this matter since September 2015. The applicant has now indicated that they will be able to complete the S106 agreement and the application is therefore being re-presented to the Planning Committee for reconsideration.
- 1.2 This supplementary report is submitted to the Planning Committee for a new resolution as there have been a number of material changes to policies that require consideration since the resolution

was made on 21st September to permit the application subject to the completion of the Legal Agreement.

- 1.3 This report thus will only cover the elements that need to be updated since the original resolution by the Committee and so needs to be considered in conjunction with the original report from 21st September 2015 which is attached as an appendix to this report.

THE PROPOSED DEVELOPMENT:-

- 2.1 This planning application seeks permission for a two storey building to form three general industrial (B2) and warehouse (B8) use class units with a combined floor space of 1128sqm. The building would be situated towards the wider south east corner of the site with an access road running from County Oak Way along the northern boundary to form a significant turning head to the north of Cherry Lane Playing Fields. Parking for 21 cars is proposed in addition to larger vehicles. Much hedge and some of the trees along the southern boundary adjacent to the CBC Land would be lost to make way of the development although replacement planting of trees is proposed. Landscaping is proposed towards the north eastern end of the site with hedging around the north and western boundaries.
- 2.2 The applicant has submitted a new planning statement to address the changes to policy since 2015, including the Local Plan and more particularly the Green Infrastructure, Urban Design, and, Planning and Climate Changes Supplementary Planning Documents adopted in 2016.

PLANNING POLICY:-

- 3.1 This section will address only the variations to policy since the application was originally considered by the Development Control Committee on 21st September 2015.
- 3.2 The policies of the draft Local Plan 2015-2030 were addressed in the original report, and although there were some minor changes to the wording following formal adoption of the Local Plan, the policies have not been revised so that they would materially affect the consideration of this development in an adverse way. Policy EC1 for example was revised to include the potential provision of strategic employment land to the north of Manor Royal, and the application site is now located within the area of search for this Future Employment Land.
- 3.3 However, since this time the Council has adopted a number of new Supplementary Planning Documents that are now materially different from those against which the application was originally considered. These are:

Urban Design Supplementary Planning Document (SPD) Oct 2016.

- 3.4 In addition to providing guidance in regard to massing, materials, public realm, signage, sustainable development, street design and parking layouts, it also includes the Councils current adopted indicative minimum parking standards.

Planning and Climate Change SPD Oct 2016

- 3.5 This provides additional guidance to support the sustainability requirements of policies ENV6, ENV7, ENV8, ENV9 and IN3. These details were not available in 2015 and the application now needs to address these matters.

Green Infrastructure SPD Oct 2016

- 3.6 This replaced SPG6, Trees and SPG13 Landscaping and Greening the Environment. It also includes information as to how to assess the impact of development on specific Landscape Character Areas outside the built up area boundary, including the Upper Mole Farmlands Fringe.

CIL charging schedule July 2016 and the Developers Contributions Guidance Note.

- 3.7 Together these documents provide information on when CIL or S106 Infrastructure Contributions will be payable. In the case of this development, the Total Access Demand (TAD) contribution based on a standard formula would not now form a requirement for the development for developments. The specific impact on transport and the highway network that would result from the development would now be subject to a consideration of its direct impacts on the highway and the infrastructure required to mitigate this. This is a material change from how off site highway infrastructure impacts of the development were considered in 2015, which was set out in now superseded Planning Obligations and S106 Agreements SPD 2008.
- 3.8 These new documents have superseded the Planning Obligations and S106 Agreements SPD 2008 which also previously included the Council's adopted maximum parking standards.

PLANNING CONSIDERATIONS:-

- 4.1 In principle, development which would provide additional employment floor-space as a minor extension to Manor Royal outside the area safeguarded for potential Gatwick Airport Expansion is acceptable, and this can be outside the built up area boundary subject to consideration of the impact of the development on the landscape character area that it would be located within. The development is therefore considered in principle to accord with the updated and now adopted policy EC1 of the Local Plan.
- 4.2 In addition to the original report, the following matters require additional consideration:
- The impact of the development on the Character of the Upper Mole Farmlands Fringe Character Area;
 - The impact on users of the Highway, parking and the operational requirements of the site;
 - The sustainability of the development and connectivity to a District Energy Network;
 - The impact on Infrastructure and S106 requirements.

The impact of the development on the Character of the Upper Mole Farmlands Fringe Character Area;

- 4.3 The impact on the character of the Upper Mole Farmlands Fringe Character Area was considered as a part of the original report considered Sept 2015, (ref. paras 5.4-5.9) with ecology trees and landscaping considered in paras 5.15-5.18.
- 4.4 The applicant has provided an updated Landscape Report. It identifies the impacts of the development on the area and in particular the character of the Upper Mole Farmlands Fringe Landscape Character Area.
- 4.5 As previously identified in the original 2015 report there would be an impact on views of the area from the public footpath to the west. However, the development would be seen against the backdrop of the larger Dualit Factory to the south-east and additional landscaping is proposed along the north-west, south-west and south-eastern boundaries of the site and in an area of proposed amenity land close to the access from County Oak Way. Overall the impact of the development would be relatively local with development to the south east and north east already forming a backdrop, and the additional planting of 79 new trees with 180m of hedgerow that would help to mitigate the impact of this development and the larger Dualit factory to the south east from public viewpoints to the west.
- 4.5 When compared to the requirements of policy CH6 and the Green Infrastructure SPD that would require 9 replacement trees for those that would be lost to the development (this includes the two Ash trees that would be lost in the hedge removal along the south-eastern boundary) the provision of 79 new trees is considered to be acceptable and would result overall in a significant increase in the number of trees in the immediate area.

- 4.6 Even though the proposal would be large scale commercial development to which the area would be sensitive, it is considered that the location of the site with two boundaries adjacent to existing development and the planting proposed would not have an impact on the character of the Upper Mole Farmlands Fringe Landscape Character Area that would be demonstrably harmful in the long term, and the development would therefore comply with the requirements of policy CH9 and the Green Infrastructure SPD in this regard.

The impact on users of the Highway, parking and the operational requirements of the site;

- 4.7 Matters relating to Highways, parking and operational requirements were considered in paras. 5.10-5.14 of the committee report of 21st September 2015.
- 4.8 Since the original consideration of the development in 2015, the principle change is that the Urban Design SPD now has indicative minimum parking standards when under the previous Planning Obligations and S106 Agreements SPD the parking requirements were maximum standards.
- 4.9 The proposed building would have a floor-space of 1128sqm. On the basis of a B2 (General Industrial) use for this building, there would be a requirement for 1 parking space per 40sqm and one lorry space per 500sqm. The minimum parking requirement for this development would be 28 car-parking spaces and 2 lorry parking spaces. Twenty one car parking spaces, 2 lorry spaces and 2 light commercial vehicle spaces are proposed. The light commercial vehicle spaces could be used by cars, and so a total of 23 parking spaces could potentially be available. It is thus acknowledged that the development would be 3 spaces short of the indicative minimum for B2 (General Industrial) usage.
- 4.10 The development would also provide B8 (Storage or Distribution) uses where a maximum parking requirement of 11 car parking spaces would be required. The parking provision would clearly exceed the requirements for this type of use.
- 4.11 On street parking in the area is limited, however the potential shortfall in parking provision is considered to be modest and if the site was used for a mix of B2 and B8 uses the parking provision would be likely to be acceptable and it is considered that the development would comply with policy IN4 in this regard.
- 4.12 The shortfall however could result in greater demand for public transport/cycle access to the site. Adequate cycle parking is proposed, and although public transport access to the area is currently limited to close to County Oak Retail Park. WSCC have a scheme to improve highway and public transport infrastructure in the immediate area and it is therefore considered that this could provide an improved alternative to the use of private motor cars and alleviate the potential shortfall of parking provision on site.

The sustainability of the development and connectivity to a District Energy Network;

- 4.13 Matters relating to sustainability were originally considered in para 5.19 of the Committee Report (21st September 2015).
- 4.14 The applicant has provided additional information through undertaking a BREEAM Assessment to demonstrate that the levels of sustainability the development would achieve would comply with policies ENV6 and ENV9 of the Local Plan. This shows that the development as designed would exceed BREEAM Very good and that it could achieve Excellent when the future occupier is known. It also identifies how the building could be linked in the future to a potential District Energy Network to comply with policy ENV7 of the Local Plan
- 4.15 This additional information has been considered by the Council's Energy Efficiency and Sustainability Officer who identifies that it is targeting compliance with the relevant policy requirements and that subject therefore to conditions to ensure that an Excellent BREEAM rating is achieved prior to occupation, there would be no objection to the sustainability measures proposed. A condition is also recommended to make the development Network Ready for a future District Energy Network. It is therefore considered that the development would comply with the

requirements in the Planning and Climate Change SPD, and policies ENV6, ENV7 and ENV9 of the Local plan.

The impact on Infrastructure and S106 requirements.

- 4.16 Originally considered in paras 5.21 and 5.22 of the 21st September 2015 Committee report, the Council has adopted the Community Infrastructure Levy (CIL) since the resolution was originally made in 2015. The following paragraphs therefore provide a consideration of the on-going requirements for off-site infrastructure to be provided, in accordance with the CIL regs and the adopted Local Plan Policies.
- 4.17 In accordance with Policies CH3 and EC3 and the CIL regs. 123 List, site specific improvements to the Public Realm of the Town Centre and Manor Royal can still be subject to contributions for signage, public art and improvements to the street scene required as part of the development. The Council has identified a specific project to improve the public realm and access for employees in the County Oak area along the link between County Oak Way and the Cherry Lane playing fields. The development would result in increased numbers of employees within the area and the proposal for the improvements to the public realm to provide improved off-site outdoor facilities for future employees of the site would therefore be directly related to the development. It is therefore considered that the Manor Royal contribution of £2 per sqm of new floor-space, a total of £2256 satisfies the CIL regs tests with regards to off-site infrastructure contributions.
- 4.18 With regard to Transport and Sustainable Access, the CIL regs 123 List sets out that “Transport and sustainable access measures including transport related public realm improvements necessary to make the development acceptable in planning terms, and any improvements which are required directly as a result of a development” can be sought through a S106 Agreement.
- 4.19 West Sussex County Council have identified specific highway infrastructure directly impacted upon by the development for which there are projected improvements, namely, the provision of improvements to the highway network and upgrading public transport infrastructure around the London Road/County Oak Corridor (a new one way system and improved bus access to Metcalfe Way/County Oak Way are proposed). It is therefore considered that the Transport Contribution of £24,808 satisfies the CIL regs tests with regards to off-site infrastructure contributions.

CONCLUSIONS:-

- 5.1 The main considerations of the impact of the development are set out in the previous report considered by the Committee on 21st September 2015 and it is attached as an appendix to this report.
- 5.2 The proposed development is considered to accord with the relevant Local Plan Policies and the more recently adopted Supplementary Planning Documents. Subject therefore to the completion of the S106 agreement to ensure the off-site public realm and Transport Infrastructure impacts are mitigated it is recommended that the development be resolved to be granted permission subject to conditions.
- 5.3 Should however the Section 106 Agreement fail to be completed by 30th March 2018 and unless there are exceptional circumstances for the delay, the Head of Economic and Development Services be authorised to refuse planning permission for the following reason:

An agreement is not in place to ensure the appropriate level of infrastructure to support the development and the development is therefore contrary to policies CH3 and IN1 of the Crawley Borough Local Plan 2015-2030.

RECOMMENDATION RE: CR/2015/0435/FUL

PERMIT - Subject to the completion of the S106 agreement by 30th March 2018 and the following condition(s):-

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:
L390/101 Rev B Block Plan & Images
L390/103 Rev B Proposed Floor Plans & Elevations
Obstacle Limitation Surfaces Height Restrictions
301-001 Proposed Outline Drainage Strategy
CBC0001 Levels Plan
L390/102 Rev C Proposed Site Layout
263-001-01B Landscape Mitigation Strategy
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No work to implement the buildings on site shall be undertaken unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls, roofs and glazing of the proposed building have been submitted to and approved by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by fencing erected in accordance with details that have first been submitted to and approved in writing by the Local planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. The soft landscaping for the site shall be carried out in accordance with the Landscape Mitigation Strategy Drawing no 263-01-01B. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of 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 policy CH3, CH6 and CH9 of the Crawley Borough Local Plan 2015-2030.
6. No buildings shall be occupied until such walls and/or fences associated with them have been erected in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority.
REASON: In the interests of amenity in accordance with policy CH2, CH3 and CH9 of the Crawley Borough Local Plan 2015-2030.
7. Development should not commence until the proposed surface water drainage designs for the site have been approved in writing by the Local Planning Authority.

Full details of the maintenance and management of the SuDS system should also be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall subsequently be implemented and subsequently maintained in accordance with the approved details before the development is occupied.

REASON: To ensure development can drain surface water acceptably in accordance with policy ENV8 of the emerging Crawley Borough Local Plan 2015-2030.

8. Before any work for the implementation of this permission commences, detailed plans, cross sections and particulars of the finished land levels for the surrounding parking, service and landscape areas and the finished floor levels of the building shall be submitted to and have been approved in writing by the Local Planning Authority, and the development shall be constructed in accordance with the approved levels.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policies CH2, CH3 and CH9 of the Crawley Borough Local Plan 2015-2030.
9. The development hereby permitted shall not be occupied unless and until the access, parking spaces and service areas for the site have been designed, laid out and constructed in accordance with plans and details that have first been submitted to and been approved in writing by the Local Planning Authority. The access, parking spaces and service areas shall thereafter be maintained for these purposes in accordance with the approved details.
REASON: In the interest of highway safety in accordance with policy CH3 and IN4 of the Crawley Borough Local Plan 2015-2030.
10. The building shall not be occupied unless and until the access from the site to the public highway (County Oak Way) has been designed, laid out and constructed in accordance with details that have first been submitted to and been agreed in writing by the Local Planning Authority
REASON: In the interest of highway safety in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
11. The development hereby permitted shall not be occupied unless and until cycle parking is provided in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority. The cycle parking hereby approved shall be retained in accordance with the approved details.
REASON: To ensure the site can meet its own operational requirements in accordance with saved policy IN4 of the Crawley Borough Local Plan 2015-2030.
12. No development shall commence until a wildlife protection and enhancement plan/method statement has been submitted to, and approved in writing by, the local planning authority. The development and subsequent occupation shall thereafter be carried out in accordance with the wildlife protection plan/method statement.
REASON: to ensure that the proposal does not harm the biodiversity of the area, particularly during construction operations and to ensure that landscape proposals subsequent management makes an appropriate contribution to future biodiversity, in accordance with the NPPF and policy ENV2 of the Crawley Borough Local Plan 2015-2030.
13. The Bird Hazard Management Plan as contained in the 'Ecological and Arboricultural Appraisal Report' dated August 2015 shall be implemented as approved. No subsequent alterations to the Bird Hazard Plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.
REASON: It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
14. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

REASON: To safeguard the amenity of the Upper Mole Farmlands Fringe, in the interests of the protection of wildlife and to safeguard the operation of Gatwick Airport in accordance with Policies CH2, CH3, CH9 and ENV2 of the Crawley Borough Local 2015-2030.

15. Before construction of the development commences, details of the provisions made within the scheme design to enable the development to be 'network ready' in the event that a District Energy Network is delivered in the vicinity shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: In the interests of climate change mitigation in accordance with Local Plan Policy ENV7.

16. No part of the development hereby permitted shall be occupied until a copy of a post-construction report, verifying that the development has achieved the minimum Energy and Water standards for BREEAM 'Excellent', has been submitted to and agreed in writing by the Local Planning Authority.
- REASON: In the interests of sustainable design and efficient use of water resources in accordance with policies ENV6 and ENV9 of the Crawley Borough Local Plan 2015-2030

INFORMATIVES

1. The applicant is strongly encouraged to safeguard the space identified within the development to enable the building to be 'Network Ready' in the event the Manor Royal Energy Scheme is delivered allowing the development to benefit from this technology.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/policy-safeguarding.htm)
3. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that CAP393: Air Navigation The Order & The Regulations, Part 28, Article 221(1) grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

1. NPPF Statement

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

Providing advice in a timely and manner through pre-application discussions.

Liaising with consultees, respondents and the agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.

Seeking amended plans 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.

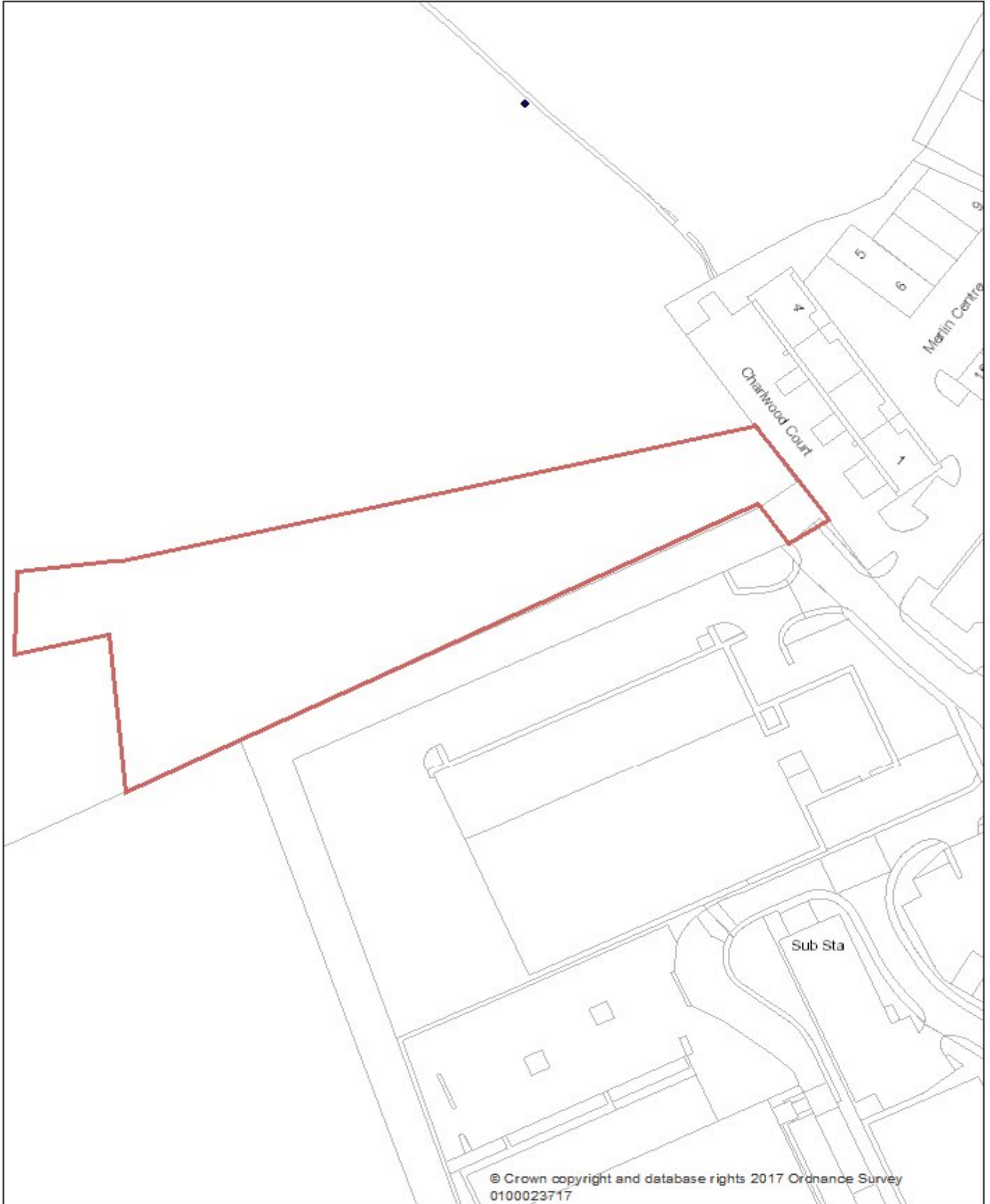


ArcGIS Web Map

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CRAWLEY BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE - 21 September 2015

REPORT NO: PES/175

ITEM NO: 004

REFERENCE NO: CR/2015/0435/FUL

LOCATION: LAND PARCEL AT JERSEY FARM, COUNTY OAK WAY, LANGLEY GREEN, CRAWLEY

PROPOSAL: CONSTRUCTION OF AN INDUSTRIAL WAREHOUSE BUILDING COMPRISING THREE UNITS, A, B AND C, TO PROVIDE B2 AND B8 USAGE, TOGETHER WITH ASSOCIATED PARKING AND AMENITY.

TARGET DECISION DATE: 1 October 2015

CASE OFFICER: Mr M. Robinson

APPLICANTS NAME: Windsor Developments Limited

AGENTS NAME: Robert Davies John West Ltd

PLANS & DRAWINGS CONSIDERED:

L390/101 Rev B Block Plan & Images, L390/103 Rev B Proposed Floor Plans & Elevations, Obstacle Limitation Surfaces Height Restrictions, 301-001 Proposed Outline Drainage Strategy, CBC0001 Levels Plan, L390/102 Rev C Proposed Site Layout, 263-001-01B Landscape Mitigation Strategy

CONSULTEE NOTIFICATIONS & RESPONSES:-

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|-----|---|---|
| 1. | GAL - Planning Department | No objection. Comment that if future airport boundary changes the site may be subject to compulsory purchase |
| 2. | GAL - Aerodrome Safeguarding | No objection |
| 3. | Environment Agency | The site has a low environmental risk – No comments. |
| 4. | WSCC - Highways | No objection subject to parking and access conditions and the completion of the S106 agreement for TAD |
| 5. | Surrey County Council | No comment received |
| 6. | Mid Sussex District Council | No objection |
| 7. | Thames Water | Comments that connections to the public sewers will require the prior approval of Thames Water. |
| 8. | Mole Valley District Council | No comment received |
| 9. | Gatwick Diamond GROW Group | No comment received |
| 10. | Sussex Police | Comments regarding the how the site can be operated to reduce the opportunity for crime and the fear of crime |
| 11. | Horsham District Council | No comment received. |
| 12. | CBC - Planning Arboricultural Officer | No objection |
| 13. | Tandridge District Council | No comment received |
| 14. | Reigate and Banstead Borough Council | No objection |
| 15. | CBC - Environmental Health | No objection |
| 16. | Cycle Forum | No comment received. |
| 17. | Southern Water | The applicant needs formal permission to connect to Southern Water's water supply. |
| 19. | CBC - FP - Energy Efficiency & Sustainability | Welcomes potential link to district energy network. Building should be BREAM excellent rating instead of very good. |
| 20. | CBC - FP - Urban Design | Clear glass and details of cladding materials required |
| 21. | Ecology Officer | No objection subject to conditions to ensure the |

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|-----|--------------------------------------|--|
| 22. | WSSC - Surface Water Drainage (SWD) | ecological mitigation is undertaken
No objection, further details of the Sustainable Urban
Drainage system required. |
| 23. | National Air Traffic Services (NATS) | No objection |

NEIGHBOUR NOTIFICATIONS:-

The application was advertised in the Local Press and by site notices.

RESPONSES RECEIVED:-

One representation has been received from a Crawley resident, objecting on the following grounds:

- Loss of green space close to Manor Royal used by the public disappointing as one of few escapes from the industrial area;
- Issues with making a busy road even busier.
- Build on brownfield as opposed to greenfield land as there seem to be enough empty buildings around.
- Comment that website date for comments differs from site notice date.

REASON FOR REPORTING TO COMMITTEE:-

This is a “major” application of more than 1000sqm of floor-space created.

THE APPLICATION SITE:-

- 1.1 Located to the west of the County Oak Way and the Dualit, the site comprises a roughly triangular area of undeveloped field. There are trees and hedging along the south eastern boundary whilst the northern boundary is open to the remaining parts of the field and the countryside beyond
- 1.2 To the south west of the site is the Cherry Lane playing fields, to the south is the large Dualit business building and to the north east is a line of mature trees with the Merlin Centre beyond.
- 1.3 An area of CBC owned land runs along the south east side of the site. This appears to provide access from Cherry Lane playing field to County Oak Way, although it is not recognised as a public right of way.

THE PROPOSED DEVELOPMENT:-

- 2.1 This planning application seeks permission for a two storey building to form three general industrial (B2) and warehouse (B8) use class units with a combined floor space of 1128sqm. The building would be situated towards the wider south east corner of the site with an access road running from County Oak Way along the northern boundary to form a significant turning head to the north of Cherry Lane Playing Fields. Parking for 21 cars is proposed in addition to larger vehicles. Much hedge and some of the trees along the southern boundary adjacent to the CBC Land would be lost to make way of the development although replacement planting of trees is proposed. Landscaping is proposed towards the north eastern end of the site with hedging around the north and western boundaries.

PLANNING HISTORY:-

- 3.1 There is no planning history for this site.

PLANNING POLICY:-

- 4.1 This site is located outside the built up area boundary and within the Upper Mole Farmlands Urban Fringe. The area safeguarded for a potential second runway for Gatwick Airport runs directly along the northern boundary of the site.

The National Planning Policy Framework 2012 (NPPF):

- 4.2 The NPPF has a golden thread running through it which seeks to ensure a presumption in favour of sustainable development. The NPPF states that there are three dimensions to sustainable development and the planning system performs an economic, social and environmental role. These roles are mutually dependent. The Framework requires applications to be determined in accordance with the development plan.
- 4.3 Paragraph 14 (Presumption in favour of sustainable development). The National Planning Policy Framework has a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 4.4 Paragraphs 19 -21 (Building a strong, competitive economy).The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.
- 4.5 Paragraphs 56-58 (Requiring good design) Seeks high quality inclusive design for all development that takes into account the character of the area.
- 4.6 Paragraphs 109- 118 (Conserving and enhancing the natural environment) seeks to protect valued landscapes, whilst minimising the impacts on biodiversity.

Crawley Borough Local Development Framework: Core Strategy (2008):

- 4.7 E2 states new employment development or redevelopment and intensification of existing employment sites should be in sustainable locations including County Oak Way.
- 4.8 E3 seeks to protect all employment sites especially within the Main Employment Areas unless the site is no longer suitable for employment purposes.
- 4.9 EN5 requires all new development to be based on a thorough understanding of the site and surroundings and for it to be of a high quality in terms of its urban landscape and architectural design and materials
- 4.10 C1 Seeks to protect the countryside beyond the built up area boundary subject to national policy.
- 4.11 C2 Seeks to prevent development within the strategic gaps to prevent the coalescence of named settlements including Gatwick Airport and Crawley.
- 4.12 T3 seeks to ensure that the level of parking provision for a new development will normally take into account the Council's maximum parking standards and the need to maximise the potential for public transport.

Crawley Borough Local Plan (2000):

- 4.13 The following policies are relevant:

- GD1 The Normal Requirements of All Development
- GD2 Development and its Setting
- GD3 The Operational requirements for a Site, including access, parking, loading, storage of materials and emergency access.
- GD4 The Comprehensive Development of Sites
- GD5 and GD6 Landscaping and Development
- GD8 Safety and Security
- GD10 The Needs of People with Disabilities and Mobility Problems
- GD13 Specific Sustainability Measures
- GD23 and GD25 The Water Environment
- GD35 and GD36 Phasing, Implementation and Planning Obligations
- T8 Car Park Design

T28 walking and Cycling

Crawley Borough Local Plan (2015-2030): Submission Modifications Draft June 2015:

- 4.14 The plan has now been subject of an Examination in Public and a consultation on further proposed modifications. It is considered that the document now has substantial weight as it moves towards adoption (expected around December 2015). The relevant policies include:
- 4.15 CH3 (Normal Requirements of All Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- 4.16 CH4 (Comprehensive Development and Efficient Use of Land) Proposals must use land efficiently and not prejudice the development potential of adjoining land.
- 4.17 CH9 (Development Outside the Built Up Area Boundary). Sets out policies to ensure the Towns compact nature and attractive setting is maintained. The grouping of buildings, views, character lighting, parking and storage, activity and noise and traffic are all issues to be considered. Whilst not an allocated site within the emerging Local Plan 2015-2030, it is recognised in the supporting statement for policy CH9 that areas outside the area to be safeguarded will be considered favourably for minor extensions to the Main Employment Area provided they are appropriate to the location and the countryside setting. B use Class development maybe acceptable within the Upper Mole Farmlands Fringe.
- 4.18 EC1 (Sustainable Economic Growth). The supporting statement para 5.20 identifies that minor extensions abutting the Manor Royal boundary within the Upper Mole Rural Fringe area may be appropriate on site outside safeguarding subject to the impact on the countryside.
- 4.19 EC3 (Manor Royal) relates to the Manor Royal which is the principal business location for Crawley, and instrumental to success of the wider Gatwick Diamond. Development that is compatible with the area's economic function and role in the wider sub-region will be permitted where it falls within the B Use Class and would result in the reuse, intensification, or change of use of the land or buildings.
- 4.20 ENV2 (Biodiversity) requires all development proposals to incorporate features to encourage biodiversity where appropriate.
- 4.21 ENV6 (Sustainable Design and Construction) states development for new non-domestic buildings should achieve BREEAM Excellent rating where technically and financially viable. This is however subject to a forthcoming Planning and Climate Change SPD.
- 4.22 ENV7 (District Energy Networks) states any major development within the borough and all development proposals within a priority area for District Energy Networks that would involve the creation of a new dwelling or the creation of over 1000sqm of internal floor-space, should consider how it may include site-wide communal energy systems and consider developing its own system for supplying energy to any surrounding existing or planned buildings. All development subject to the requirements of Policy ENV7, must be supported through the submission of a sustainability statement in compliance with the Planning and Climate Change SPD.
- 4.23 ENV8 (Development and Flood Risk) All development must avoid areas at unacceptable risk from flooding, and must not increase the risk elsewhere.
- 4.24 GAT2 (Safeguarded Land) Protects land for a second potential runway from inappropriate development.
- 4.25 In the absence of any adopted Climate Change SPD and an up to date NPPF compliant Local List the requirements of policies ENV6 and ENV7 requiring the submission of sustainability statements cannot be substantiated.

Supplementary Planning Guidance and Documents

4.26 The Planning Obligations and S106 Agreements Supplementary Planning Document 2008 also includes the Council's adopted parking standards for change of use applications.

PLANNING CONSIDERATIONS:-

5.1 In addition to a consideration of the acceptability in principle of the development of this site for general industrial B2 and warehouse B8 uses, the following considerations are considered to be the determining considerations of this development:

- The principle of the development of this site for general industrial B2 and warehouse B8 uses
- The impact on visual amenity and the character of the Upper Mole Farmland Rural Area;
- The impact on users of the Highway, parking and the operational requirements of the site;
- Ecology, Trees and landscaping;
- Sustainability measures;
- The impact on nearby occupiers/neighbours;
- Infrastructure;
- Comprehensive development.
- Flooding;

The principle of the development of this site for general industrial B2 and warehouse B8 uses

5.2 The site is situated outside of the built-up area boundary within the Upper Mole Farmlands Fringe. The northern boundary of the site would also constitute the current extent of land safeguarded for a second runway for Gatwick Airport. GAL have advised that there is no objection to the proposal in terms of impact upon the potential delivery of a second runway although it is advised that if the boundary changes the site could be liable to compulsory purchase.

5.3 The NPPF requires LPA's to proactively encourage sustainable economic growth to meet anticipated needs over the plan period. The site is adjacent to County Oak/Manor Royal main employment area and it has been accepted within policies CH9 and EC1 of the emerging Crawley Borough Local Plan 2015-2030 that land within this area could be made available for B use class development. In principle therefore it is considered that the proposed development would not conflict with existing policies within the Core Strategy 2008 or the Local Plan 2000, whilst being in accordance with the NPPF and the policies within the emerging Local Plan 2015-2030, subject to consideration of its impact, details of which are set out below.

The impact on visual amenity and the character of the Upper Mole Farmlands Fringe;

5.4 The proposal would be erected on an open field to the north of the Dualit site at the western end of County Oak Way. The applicant has sought to locate the proposed building towards the south east corner of the site, but with its furthest extent not projecting noticeably beyond the building line of the Dualit Building when extended. North of the building the proposed access road would extend from County Oak Way to the west ending in a large turning head beyond the west boundary of the Dualit site and north of the Cherry Lane playing fields. The area to the west of the proposed building beyond the west boundary of the Dualit site would include the access road, parking areas and some landscaping, but there would be no buildings.

5.5 The building itself would be 42m long and 20m wide with a maximum height to the ridge of 8.3m. Finished in glass and cladding and with a shallow pitched roof behind a parapet it would be a modern two storey purpose built commercial building.

5.6 The existing tree line to the north east of the site adjacent to the Merlin Centre would be unaffected by the development although a significant proportion of the hedge, small embankment and ditch along the southern boundary with the CBC owned land would be removed. The Embankment ditch and hedge adjacent to Cherry Lane Playing Fields would be retained and additional trees and

hedging planted to supplement this. The hedgerow close to County Oak Way would also be retained and reinforced by additional planting. Replacement tree planting along this boundary has been proposed along with new hedgerows along the northern and western boundaries of the site.

- 5.7 It is considered the siting of the development and the building in the field close to existing buildings would appear as an extension to the existing commercial area without appearing dominant in the wider area. Views from Cherry Lane would be limited due to the position of the building and the existing tree/hedgerow screening and landscaping proposed, that would also screen the access/parking area. Although views from the informal path from Cherry Lane to County Oak Way would be significantly altered by having a development along its northern side, the loss of hedge and a number of relatively small trees would be partially mitigated by replacement planting. From County Oak Way the removal of the bund at the end of the way and clearing of some hedgerow to create the entrance would be relatively modest changes that could be mitigated by the landscaped area proposed and the new hedgerow.
- 5.8 In order to prevent significant impact from light spill a condition is recommended to control all external lighting.
- 5.9 It is therefore considered that the loss of a small amount of the field would not have demonstrably harmful impact on the Upper Mole Farmlands Fringe as it would be grouped close to existing buildings, would not result in the loss of important views and reflects the character of area, in particular the character of development to the west. It is therefore considered that subject to conditions to control materials and ensure the provision of landscaping that the impact upon visual amenity would be acceptable and there would not be a harmful impact upon the Strategic Gap.

The impact on users of the Highway, parking and the operational requirements of the site:

- 5.10 A new access would be provided from the western end of County Oak Way that would run along the north boundary of the site. An initial response from WSCC requiring additional information has been addressed by the applicant and WSCC has confirmed that there would be no objection to the proposal on highways grounds.
- 5.11 The proposed building would have a floor-space of 1128sqm. On the basis of a general industrial B2 use for this building there would be a requirement for 1 parking space per 40sqm and one lorry space per 500sqm. The maximum parking requirement would therefore be for 28 car-parking spaces and 2 lorry parking spaces. Twenty one car parking spaces, 2 lorry spaces and 2 light commercial vehicle spaces are proposed. It is acknowledged that the development would be 6 spaces short of the maximum, but as the units will also have permission for B8 (Storage or Distribution) where a maximum parking requirement of 11 car parking spaces would be required, it is considered that there is likely to be a mix of uses within the site and that the parking provision would therefore be adequate in these circumstances.
- 5.12 There would be 15 cycle parking spaces and this would exceed the CBC requirement for 1 cycle parking space per 200sqm for staff and 1 space per 500sqm for visitors set out in the Planning Obligations and S106 Agreements Supplementary Planning Document 2008. Further details of the actual shelters proposed will however be required.
- 5.13 The development can cater for its own waste storage needs within the site, and WSCC has considered how larger vehicles can access the site, there would be no adverse issues with access for waste collection vehicles.
- 5.14 It is considered that the access, vehicle and cycle parking and waste arrangement would be satisfactory and the proposal would therefore be able to meet its own operational requirements without risk to users of the highway or adverse impacts on amenity.

Ecology, trees and landscaping:

- 5.15 The proposal would result in the loss of some 31m of hedgerow and the removal of 3 Ash trees within it as well as involving building on an undeveloped field and its adjacent ditch.

- 5.16 The application has been submitted with biodiversity and ecology reports that have been considered by the Council's ecology officer. No objection has been made to the proposal subject to a condition requiring mitigation measure to undertaken.
- 5.17 In terms of the 3 Ash trees to be removed from the hedge along the southern boundary, these trees are not considered to have significant amenity and their loss would not be harmful to the character of the area given the replacement planting proposed comprising in excess of 70 standard trees, around the site with approximately 20 along the southern boundary. The replacement tree planting would therefore adequately mitigate against loss of the trees.
- 5.18 Hedgerow planting with native species is proposed around the western and northern boundaries of the site. This would be similar to other field boundaries in the area. There is also quite extensive planting to the north, north-west and east of the building on site and this would provide additional screening when it matures. The trees along the southern boundary, whilst not replacing the mature hedge, would provide some screening from the adjacent informal path and would mitigate partially the impact of the building. Overall therefore the landscaping proposed would be considered acceptable to enhance the setting of this building adjacent to the fields that comprise this part of the Upper Mole Farmland Rural Area.

Sustainability measures;

- 5.19 The applicant has proposed that the building would be erected to a BREEAM very good standard and will be made ready for any proposed district energy network. Notwithstanding policy ENV6 of the emerging Local Plan 2015-2030 which seeks a BREEAM excellent rating for water and energy credits where technically and financially viable, it is considered that the applicant's sustainability measures would be adequate.

The impact on nearby occupiers/neighbours;

- 5.20 The closest buildings to the south and north contain existing commercial uses and the proposal would not adversely impact upon the occupiers of these buildings. To the south west are the Cherry Lane playing fields and beyond these approximately 400m to the south west are the closest dwellings. Given the distance to this housing it is not considered there would be harm from noise and disturbance to their occupiers. The playing fields are subject to intermittent use and are extensive as they include two cricket pitches, given the existing relationship with closer commercial uses along the eastern boundary it is not considered that this proposal would demonstrably impact upon users of the playing fields more than existing nearby uses.

Infrastructure;

- 5.21 The proposal seeks to provide 1128sqm of gross internal floor-space in two buildings on site. The Planning Obligations and S106 Agreements Supplementary Planning Document 2008 would require the following off-site infrastructure requirements.

Transport Total Access Demand £24808

Manor Royal: £2256

- 5.22 The S106 agreement is currently being prepared.

Flooding

- 5.23 WSCC as the lead local flood authority have commented that existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed. The site is an Environment Agency level one flood risk area and there is therefore low risk of the site flooding. There is therefore no objection to the proposal on flooding grounds subject to a Sustainable Drainage System being implemented.

Comprehensive Development

- 5.24 The application includes a clear indication of a turning head and access road that could in future be used to potentially develop further land in the nearby area subject to a decision being taken on a second runway for Gatwick Airport and a detailed consideration of future development site boundaries. The access and road was submitted by a Transport Assessment based on a larger area and providing a significantly greater amount of commercial floor-space. Given the identified requirements for Crawley to provide additional employment floor-space within the next Local Plan period 2015-2030, it is considered that the applicants work in providing potential access arrangements for the development of a larger area in the future would accord with policy CH4 that seeks to use land efficiently and not unduly restrict the development potential of adjoining land.

CONCLUSIONS:-

- 6.1 The use of the site is supported by National and Local Plan policies and would have a potentially positive impact in terms of the local economy. The design of the development and the landscaping would not adversely impact upon the character of the countryside or the strategic gap. The operational needs of the site in terms of access, parking, cycle and motor cycle parking can be met, and the Highway Authority West Sussex County council have confirmed there are no objections in terms of impact upon road capacity or highway safety.
- 6.2 Subject to the completion of the S106 agreement it is considered that the proposal would accord with the relevant sections of the NPPF2012 the relevant policies within the Local Development Plan and the emerging Local Plan 2015-2030. On this basis it is recommended that permission be granted

RECOMMENDATION RE: CR/2015/0435/FUL

Permit subject to the completion of the S106 agreement and the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans save as varied by the conditions hereafter.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No work to implement the buildings on site shall be undertaken unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls, roofs and glazing of the proposed building have been submitted to and approved by the Local Planning Authority.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy GD1 of the Crawley Borough Local Plan 2000.
4. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by fencing erected in accordance with details that have first been submitted to and approved in writing by the Local planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Policy GD5 and GD34 of the Crawley Borough Local Plan 2000.

5. The soft landscaping for the site shall be carried out in accordance with the Landscape Mitigation Strategy Drawing no 263-01-01B. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of 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 'saved' Policy GD5 of the Crawley Borough Local Plan 2000.
6. No buildings shall be occupied until such walls and/or fences associated with them have been erected in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority.
REASON: In the interests of amenity in accordance with policy GD2 of the Crawley Borough Local Plan 2000.
7. Development should not commence until the proposed surface water drainage designs for the site have been approved in writing by the Local Planning Authority.
Full details of the maintenance and management of the SuDS system should also be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented and subsequently maintained in accordance with the approved details before the development is occupied.
REASON: To ensure development can drain surface water acceptably in accordance with 'saved' policy GD25 of the Crawley Borough Local Plan 2000 and ENV8 of the emerging Crawley Borough Local Plan 2015-2030.
8. Before any work for the implementation of this permission commences, detailed plans, cross sections and particulars of the finished land levels for the surrounding parking, service and landscape areas and the finished floor levels of the building shall be submitted to and have been approved in writing by the Local Planning Authority, and the development shall be constructed in accordance with the approved levels.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policies GD1 and GD2 of the Crawley Borough Local Plan 2000.
9. The development hereby permitted shall not be occupied unless and until the access, parking spaces and service areas for the site have been designed, laid out and constructed in accordance with plans and details that have first been submitted to and been approved in writing by the Local Planning Authority. The access, parking spaces and service areas shall thereafter be maintained for these purposes in accordance with the approved details.
REASON: In the interest of highway safety in accordance with policy GD3 of the Local Plan.
10. The building shall not be occupied unless and until the access from the site to the public highway (County Oak Way) has been designed, laid out and constructed in accordance with details that have first been submitted to and been agreed in writing by the Local Planning Authority
Reason: In the interest of highway safety in accordance with 'saved' policies Gd1 and Gd3 of the Crawley Borough Local Plan 2000.
11. The development hereby permitted shall not be occupied unless and until cycle parking is provided in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority. The cycle parking hereby approved shall be retained in accordance with the approved details.
REASON: To ensure the site can meet its own operational requirements in accordance with saved policies GD3 and T28 of the Crawley Borough Local Plan 2000.
12. No development shall commence until a wildlife protection and enhancement plan/method statement has been submitted to, and approved in writing by, the local planning authority. The development and subsequent occupation shall thereafter be carried out in accordance with the wildlife protection plan/method statement.

Reasons: to ensure that the proposal does not harm the biodiversity of the area, particularly during construction operations and to ensure that landscape proposals subsequent management makes an appropriate contribution to future biodiversity, in accordance with the NPPF.

13. The Bird Hazard Management Plan shall be implemented as approved, upon completion of the roofs and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.
REASON: It is necessary to manage the roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.
14. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.
REASON: To safeguard the amenities of nearby residents in accordance with Policy GD9 of the Crawley Borough Local 2000.

INFORMATIVE(S)

1. The applicant is strongly encouraged to safeguard the space identified within the development to enable the building to be 'Network Ready' in the event the Manor Royal Energy Scheme is delivered allowing the development to benefit from this technology.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/policy-safeguarding.htm).
3. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that CAP393: Air Navigation The Order & The Regulations, Part 28, Article 221(1) grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft

NPPF Statement

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

Providing advice in a timely and manner through pre-application discussions.

Liaising with consultees, respondents and the agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
Seeking amended plans 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.