

## Crawley Borough Council

### Minutes of Planning Committee

Monday, 24 July 2023 at 7.30 pm

#### Councillors Present:

S Pritchard (Chair)

Z Ali, J Bounds, J Charatan, J Hart, K L Jaggard, K Khan, S Mullins and A Nawaz

#### Also in Attendance:

Councillors M Morris and J Russell

#### Officers Present:

Valerie Cheesman	Principal Planning Officer
Siraj Choudhury	Head of Governance, People & Performance
Jess Tamplin	Democratic Services Officer
Hamish Walke	Principal Planning Officer

#### Apologies for Absence:

Councillor M Mwagale

### 1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Interest
Councillor Ali	Planning Application CR/2023/0252/FUL – 9 Mill Road, Three Bridges (minute 5)	Personal interest – West Sussex County Councillor.
Councillor Nawaz	Planning Application CR/2023/0252/FUL – 9 Mill Road, Three Bridges (minute 5)	Personal interest – employed by the same company as a member of the public speaking in objection to the application.
Councillor Pritchard	Planning Application CR/2023/0252/FUL – 9 Mill Road, Three Bridges (minute 5)	Personal interest – employed by Govia Thameslink Railway.

## 2. Lobbying Declarations

The following lobbying declarations were made by councillors:

Councillor Nawaz had been lobbied but had expressed no view on TPO application 02/2023.

Councillor Pritchard had been lobbied but had expressed no view on application CR/2023/0252/FUL.

## 3. Minutes

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

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

The Committee considered report [PES/432](#) of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) 02/2023 – oak trees located between 92 Gales Drive and 139 Three Bridges Road – with or without modification for continued protection, or not to confirm the TPO.

Councillors Ali, Bounds, Jaggard, Nawaz, and Pritchard declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application, which related to two large oak trees situated in a residential garden in Three Bridges. In February 2023 the trees were protected under a six month provisional TPO, which the Committee was now requested to confirm.

Mihir Desai, the householder of 139 Three Bridges Road, spoke in objection to the application. Matters raised included:

- Throughout the process of the making of the provisional TPO, the Local Planning Authority's communication had been inadequate. Administrative errors had caused delays and an officer's visit to the site occurred at a late stage in the process.
- There was no intention to fell the trees, but they did not have high amenity value and were not visible from the Three Bridges Road footpath. There were a number of trees along Three Bridges Road which did not seem to be subject to TPOs.
- The trees were not in good health – both had deadwood and thinning crowns, and one was leaning – this provoked worries about the safety of the garden as a family environment.

The Committee then considered the application, and in doing so, raised queries regarding the process of the making of a provisional TPO. In response to these queries, officers clarified that any person can contact the Local Planning Authority (LPA) to enquire about the status of a tree. Once the LPA has checked whether a tree is protected, it then makes checks on the tree's health and amenity value. If the LPA concludes that a tree is valuable and/or under threat of damage, felling, or over-pruning, a provisional TPO can be made for a duration of six months. The process was a reactive one based on the perceived risk to a tree; it was common for an LPA to make a provisional TPO following an enquiry from a member of the public.

The following points were also raised as part of the discussion:

- The confirming of the TPO would not necessarily prevent works from being undertaken to the trees in the future, but an application to do so would need to be made to the LPA. The application would be assessed and advice sought from the Council's arboricultural officer prior to any felling, pruning or trimming being permitted. Any works that were subsequently agreed would be in line with good arboricultural practice.
- One of the trees had been significantly pruned prior to the making of the provisional TPO. The level of trimming was beyond what would normally be considered acceptable.
- Committee members considered the safety risks to residents using the garden in which the trees were situated and highlighted the importance of the LPA visiting the site and seeking to understand residents' concerns about the safety of the trees. Officers explained that no tree health issues or safety issues were identified upon the initial making of the TPO, but if concerns arose, an application for works could be made.
- The Committee queried the TPO process and the communication residents had received from the LPA, but it was noted that this could not be a consideration when deciding whether or not to confirm the TPO as the decision was to be made on the basis of the tree's merits and amenity value. In general, the matter of tree protection fell under the portfolio of the Cabinet Member for Planning and Economic Development.

The Committee then moved to a vote.

## **RESOLVED**

Confirm without modification.

### **5. Planning Application CR/2023/0252/FUL - 9 Mill Road, Three Bridges, Crawley**

The Committee considered report [PES/435b](#) of the Head of Economy and Planning which proposed as follows:

Erection of two storey side and rear extension and single storey rear extension (re-submission of application CR/2020/0054/FUL)

Councillors Ali, Bounds, Charatan, Jaggard, Nawaz, and Pritchard declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application, which sought permission for an extension to a house on Mill Road in Three Bridges. The application was identical to a previous application which was considered and permitted by the Committee in June 2020; the permission had since expired and so the application had been re-submitted. The Officer then gave details of the various relevant planning considerations as set out in the report.

Elena Andrei, a neighbour of the site, spoke in objection to the application. Matters raised included:

- The application had been submitted while a separate but similar application at the site was being determined under appeal by the Planning Inspectorate. There were concerns about the process and the applicant's intentions.
- Mill Road was very narrow with no pavements and there were concerns about the impact of the proposed development on parking and highway safety. It

was not understood why West Sussex County Council (as highways authority) had not issued any objections to the application.

- The development proposed to increase the number of bedrooms in the property which implied an increase in occupancy, so it was unclear how the application was concluded to be water neutral.

The Committee then considered the application and in doing so requested that officers provide further detail about the layout and floorplan of the proposed development. Committee members raised concerns about the plans – including the addition of two bedrooms, more living space, and an additional front door – which they suggested alluded to the potential for the dwelling to be misused by being split into two separate residences. Officers confirmed that the application as submitted was for an extension and not for a separate dwelling and that permission, if granted, would be only for this use. If the LPA became aware that the property was subdivided and/or occupied as two separate dwellings in the future, or was otherwise not in accordance with the approved plans, this would be a breach of planning control and enforcement action could be taken.

Committee members discussed water usage at the site. As the proposed extension would increase the number of bedrooms and bathrooms in the property, queries were raised as to the reasons why the development was considered to be water neutral. Officers explained that the LPA had previously undertaken a screening assessment which had concluded that, on the whole, household extensions did not result in an increase in occupancy nor an increase in water usage. Natural England had agreed with the LPA's conclusions and this proposal was therefore considered to be water neutral.

A query was raised regarding the proposed nine metre separation distance between the extension and the existing properties on the opposite side of Mill Road. Officers clarified that the Urban Design SPD advised a minimum of 21 metres between rear windows but there was no minimum requirement in this case, and the relationship was deemed to be similar to those between existing neighbouring properties. Committee members remained concerned about the separation distance in this instance, particularly as it related to a front bedroom to front bedroom relationship, which was considered to have a significant impact on neighbouring amenity. The Committee felt that this was exacerbated by the overbearing size and mass of the extension which was not subservient to the existing dwelling. Officers clarified that the design, size and scale of the extension was the same as previously approved.

Throughout the debate Committee members raised significant concerns regarding parking provision, as the application proposed to remove two existing off-street parking spaces. The Committee believed that the loss of two spaces would have a significant impact on parking availability in the area, in which it was already difficult to park on-street, by displacing two vehicles. It was also suggested that the addition of two bedrooms to the property could lead to more vehicles being owned by the householders, increasing demand by a further one or two spaces, causing a total potential deficit of four spaces. The report set out that assessments had shown mixed levels of parking space availability in the area, with only one or two spaces free on Mill Road at any given time. Complaints from residents referred to a lack of parking in the area.

The Committee also raised queries relating to the flood risk at the site and access by construction vehicles.

During the discussion a Committee member proposed a motion that the application be refused, which was moved and seconded. The Committee discussed the reasons for the motion to refuse and in doing so revisited key points from its discussion. It was

agreed that the most significant concern about the application was the loss of parking provision and the effect on the already pressured parking availability in the local area, which was not considered to be policy compliant. The Committee also had significant concerns about overlooking and the minimal window to window distance between the proposed development and the neighbouring houses, particularly given the narrow nature of Mill Road.

The Head of Governance, People & Performance advised on Committee procedure and on the possible outcomes if the Committee voted to refuse the application.

A vote was taken on the motion to refuse the application which was passed unanimously.

## **RESOLVED**

Refuse for the following reasons:

1. The development by reason of its lack of parking would not meet the operational needs of the proposed resultant house and would result in an adverse impact on the on-street parking in the area, increasing the hazards to users of the highway contrary to policies CH3 and IN4 of the Crawley Borough Local Plan 2015-30 and the guidance in the adopted Urban Design Supplementary Document.
2. The proposed extension, by reason of its proximity to No. 12 Mill Road and the limited window to window distance, would cause a detrimental impact on neighbouring amenity contrary to Policy CH3 of the Crawley Borough Local Plan 2015-2030.

## **6. Planning Application CR/2023/0244/FUL - 17 Shaws Road, Northgate, Crawley**

The Committee considered report [PES/435a](#) of the Head of Economy and Planning which proposed as follows:

Single-storey flat roof side extension.

Councillors Ali and Bounds declared they had visited the site.

The Principal Planning Officer (HW) provided a verbal summation of the application, which sought permission for the erection of an extension to a residential property to replace the existing store structure. The Officer then gave details of the various relevant planning considerations as set out in the report.

The Committee then considered the application and moved to a vote.

## **RESOLVED**

Permit subject to the conditions set out in report PES/435a.

## **Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.44 pm.

**S Pritchard (Chair)**