Crawley Borough Council

Minutes of Planning Committee

Monday, 4 December 2023 at 7.00 pm

Councillors Present:

S Pritchard (Chair)

M Mwagale (Vice-Chair)

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

Also in Attendance:

Councillor B J Burgess, J Hart and M G Jones

Officers Present:

Valerie Cheesman	Principal Planning Officer
Siraj Choudhury	Head of Governance, People & Performance
Jean McPherson	Group Manager (Gatwick Northern Runway DCO)
Clem Smith	Head of Economy and Planning
Jess Tamplin	Democratic Services Officer
Hamish Walke	Acting Group Manager (Development Management)

Absent:

Councillor M Morris

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/2023/0357/OUT – Former Pay and Display Car Park, Telford Place, Three Bridges (minute 7)	Personal interest – a West Sussex County Councillor.

2. Lobbying Declarations

The following lobbying declarations were made by councillors:

All councillors present had been lobbied but had expressed no view on application CR/2021/0571/FUL.

Councillors Jaggard, K Khan, Y Khan, S Mullins, Mwagale, Nawaz, and Pritchard had been lobbied but had expressed no view on application CR/2023/0118/FUL.

Councillors Ali, Bounds, Jaggard, K Khan, Y Khan, S Mullins, Mwagale, Nawaz, and Pritchard had been lobbied but had expressed no view on application CR/2023/0357/OUT.

Councillors Nawaz and Pritchard had been lobbied but had expressed no view on Tree Preservation Order 07/2023.

3. Minutes

The minutes of the meeting of the Planning Committee held on 14 November 2023 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2020/0274/FUL - Ambulance Station, Ifield Avenue, West Green

The Committee considered report PES/447a of the Head of Economy and Planning which proposed as follows:

Demolition of existing ambulance centre and erection of 39 flats with associated parking and amenity space (addendum report).

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

The Acting Group Manager (Development Management) provided a verbal summation of the item which set out that the original application, which the Committee had previously resolved to permit subject to the finalising of certain details and the completion of a Section 106 agreement, had been delayed due to the Natural England Position Statement on Water Neutrality. Work had since been undertaken to demonstrate that the proposed development would be water neutral. The Officer then gave details of the various relevant planning considerations as set out in the report.

The Committee then considered the application. It was highlighted that the only matter for consideration was water neutrality. Following a query from a Committee member, the Officer outlined the consultation process with Natural England and highlighted that its comments were due to be received imminently. If concerns were raised, Planning Officers would work with Natural England to address issues and reach a suitable conclusion, but reassurance was provided that the scheme did appear to demonstrate water neutrality so this was unlikely.

The Committee then moved to a vote on the application.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning subject to:

a) the conclusion of consultation with Natural England under the Habitats Regulations;

b) the finalising of the noise condition, the refuse/recycling store and other elevational treatment in line with the earlier Planning Committee resolution;
c) the completion of the Section 106 Agreement;

and the conditions set out in report PES/447a.

5. Planning Application CR/2021/0571/FUL - Land to the Front of Ewhurst Place, Ifield Drive, Ifield

The Committee considered report PES/447b of the Head of Economy and Planning which proposed as follows:

Erection of 4 x three bedroom semi-detached dwellings with surrounding landscaping. Formation of two new vehicle access drives off Ifield Drive with associated garage and on-site parking.

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

The Group Manager (Gatwick Northern Runway DCO) provided a verbal summation of the application, which sought planning permission for the erection of four residential homes on an area of land forming part of the front curtilage of Ewhurst Place in Ifield. It was explained that the Committee was recommended to refuse the application for the four reasons stated in report PES/447b. The Officer then gave details of the various relevant planning considerations as set out in the report.

Peter Rainier, the agent (DMH Stallard), spoke in support of the application. Matters raised included:

- The trees within the curtilage of the site which had significant historic and amenity value were to be retained, including those visible from Ifield Drive.
- The trees proposed to be removed were mostly younger category C trees which formed low-level planting; they did not form a significant screen and had little amenity value.
- An improved landscaping scheme was proposed.

Peter Rainier spoke on behalf of Lorraine King (Stantec) in support of the application. Matters raised included:

- Historic England was consulted regarding the potential impact of the application on the heritage of the site and had issued a non-intervention letter advising that it did not wish to comment. This suggested that there were no significant issues with the proposals.
- The site was separate to the historic moated area and was beyond an area of modern planting. Nearby residential development had already impacted the site's heritage.
- The less than substantial harm on the heritage of the site would be significantly outweighed by the benefits, such as the provision of homes and jobs.

Trevor Harman, the applicant (Barclay Developments), spoke in support of the application. Matters raised included:

- The issue of water neutrality could be resolved if the application was to be given more time – the site had been earmarked to be part of Crawley Homes' retrofitting programme and discussions were ongoing.
- There would be ecological benefits to the application and measures were proposed that would encourage biodiversity.

- A considerable amount of time and money had been spent on the application, and no objections had been raised by neighbours of the site.

Brenda Burgess, Councillor for Three Bridges, spoke in support of the application. Matters raised included:

- Previous developments constructed by the applicant were well-produced.
- It was important to strike a balance between preserving the heritage of the site and finding a way to move forward with the application.
- The application looked promising and of good quality.

The Committee then considered the application. Further information was sought about the historic boundary that intersected the site and was marked by a tree belt which was proposed to be removed (with the exception of one tree). The Officer explained that historic mapping showed that some form of marked boundary had been in the same location for hundreds of years, so the tree belt was considered a significant marker of the character of the site. Although the trees themselves were not historic specimens, the boundary was an original feature of Ewhurst Place, so their removal would amount to the loss of the feature and the significant value it was considered to add to the site and the setting of Ewhurst Place. Committee members felt that, generally, it was important to retain notable historic features, but in this case the tree specimens themselves were not particularly substantial or of high quality. It was highlighted that the application did not propose removal of the entire boundary and the good quality specimens were retained beyond the site boundary. The extent to which the removal of the trees would negatively impact visibility to and from Ewhurst Place was also discussed, but the Committee did not consider this a significant issue. On balance the Committee felt that the loss of the tree boundary was not sufficient to justify refusal of the application, although the loss of any trees was regrettable.

In response to a query from a Committee member about the site's designation in historic town plans, the Officer confirmed that plans dated from 1953 had earmarked the land in front of the boundary for housing development and these plans had proposed to retain the boundary feature.

Committee members discussed the application's failure to demonstrate water neutrality. It was heard that the applicant had stated that an agreement had been made with Crawley Homes that the Crawley Homes retrofitting scheme would be utilised in order to offset water usage created by the development. It was the responsibility of the applicant to demonstrate this, however the Officer confirmed that no information about or evidence of such agreement had been provided. Committee members sought to further understand this, to which the Officer confirmed that the reasons for the agreement not being secured were not known. The Chair commented that the Committee's discussion should be reported to Crawley Homes.

The Head of Governance, People & Performance provided advice on the Committee's options for making a decision on the application. It was confirmed that it would be unlawful (as a breach of the Habitat Regulations) to grant planning permission in the application's current form as no confirmation of water neutrality had been provided. Committee members sought advice on the legitimacy of a vote to delegate the decision to permit the application to the Head of Economy and Planning subject to details of proposals to demonstrate water neutrality. The Head of Economy and Planning explained that this application differed from others that sought delegated authority to permit as the applicant had provided no information on how water neutrality would be achieved; whereas other applications had proven water neutrality and their proposals were simply subject to agreement from Natural England.

Committee members felt that, generally, the development was of good quality design and provided much-needed housing.

The Committee then moved to a vote on the recommendation to refuse the application set out in the report. The recommendation was overturned.

The Chair summarised that the Committee seemed to disagree most strongly with refusal reasons 1 and 2 and felt that these were not valid grounds for refusal of the application. It was suggested that Planning Officers be asked to work towards a resolution to reasons 3 and 4. Following this, a Committee member proposed an alternative motion as follows:

To defer the application to a future meeting of the Planning Committee subject to officers coming to a conclusion on issues of water neutrality and the Section 106 agreement, and securing appropriate affordable housing and tree mitigation contributions.

The Committee moved to a vote on the alternative motion.

RESOLVED

Defer the application to a future meeting of the Planning Committee subject to officers coming to a conclusion on issues of water neutrality and the Section 106 agreement, and securing appropriate affordable housing and tree mitigation contributions.

6. Planning Application CR/2023/0118/FUL - Three Bridges Football Club, Jubilee Walk, Three Bridges

The Committee considered report PES/447c and PES/447c(2) of the Head of Economy and Planning which proposed as follows:

Replacement of existing pitch with 3G football turf pitch (3G FTP) (8962 sq. metres) and associated works including erection of new fencing with entrance gates to form an enclosure around the pitch perimeter, replacement pitch barriers and installation of a storage container within the 3G FTP enclosure. Erection of 6 no. 15.0 m high floodlights around the 3G FTP perimeter with led luminaires. Resurfacing and extension of hard-standing areas. Erection of 2.5 m high acoustic fence.

Councillors Ali, Jaggard, S Mullins, Mwagale, Nawaz, and Pritchard declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought the removal of the existing grass football pitch and replacement with a synthetic 3G pitch (and related works) at Three Bridges Football Club. The Officer highlighted that, since the publication of the initial report, an issue had arisen regarding encroachment of the proposed fence on to existing trees. This had required a supplementary report to be published, which set out an additional condition in order to resolve the issue. The Officer then gave details of the various relevant planning considerations as set out in the report.

Paul Faili, on behalf of the applicant, spoke in support of the application. Matters raised included:

- The current facilities were inadequate as they were not well-lit or safe for use in all weathers. The installation of a 3G pitch would increase its versatility and resilience.

- A 2020 report by the Council had identified a deficit of four full-size pitches in Crawley. The proposals would double the number of users of the facilities.
- The proposals would facilitate outreach work with local groups and community organisations and support the club's youth development policy.

Brenda Burgess, Ward Councillor for Three Bridges, spoke on the application. Matters raised included:

- There were concerns that increased usage of the facilities would lead to greater noise levels at the site.
- It was hoped that any disruption to local residents had been considered when taking into account increased light pollution and increased noise, such as from officials' whistles.
- The proposal would otherwise be a benefit to the local community.

The Committee then considered the application. Following a query from a Committee member about the impact of construction works on neighbours of the site, the Officer confirmed that a construction management plan was required as part of condition 3 which would cover matters such as the delivery of materials and vehicular access to the site. A query was also raised regarding the proposed floodlights, which were confirmed to be of the same height and position as the existing floodlights. The lights were more efficient and a lighting impact assessment had been undertaken to ensure there was minimal glare to neighbours.

Committee members discussed the drainage proposals set out in the application. It was recognised that the lack of irrigation needed for the proposed artificial pitch (compared to the existing grass pitch) would offset any increase in water usage caused by the projected higher number of users. It was queried as to whether a rainwater recycling scheme had been considered in order to reuse run-off water from the pitch area. The Officer explained that this did not form part of the application, and may have been too complex or cost-prohibitive due to the nature and materials of a 3G pitch.

The Committee then moved to a vote on the application.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to:

- the conclusion of consultation with Natural England under the Habitats Regulations;
- the completion of a Section 106 legal agreement securing community use and pitch certification;

and the conditions set out in report PES/447c (including additional condition 10 as set out in report PES/447c(2)).

7. Planning Application CR/2023/0357/OUT - Former Pay and Display Car Park, Telford Place, Three Bridges

The Committee considered report PES/447d of the Head of Economy and Planning which proposed as follows:

Outline application for up to 300 self-contained affordable residential units to provide later living (C2 use class) and affordable rent/shared ownership (C3 use class) accommodation with private and communal amenity space, two units for either

commercial, business and service (E use class) or local community and learning (F use class) uses, creation of new vehicular access from Haslett Avenue East, closure of existing vehicular access from Southgate Avenue, formation of a new landscaped public realm area to the south of Crawley Library and ancillary facilities such as vehicle parking, cycle and bin stores and plant rooms (access and scale to be determined, with layout, appearance and landscaping forming reserved matters).

Councillors Ali, Charatan, Jaggard, S Mullins, Mwagale, Nawaz, and Pritchard declared they had visited the site.

The Acting Group Manager (Development Management) provided a verbal summation of the outline application, which sought permission for a development of residential units and associated works on a currently vacant site at Telford Place in Three Bridges. It was explained that if the outline application were to be approved, a further application would be submitted to seek approval of the reserved matters (namely the layout, appearance, and landscaping). These matters were therefore not to be considered or agreed at this stage. The Officer updated the Committee that, since the publication of the report, discussions on pre-commencement conditions had taken place which had led to recommended amendments to conditions 11, 12, 13 and 15 as follows:

11. No development other than the construction of the approved highways access shall take place unless and until full details of the measures to be undertaken to divert and/or protect the public water supply main during construction works and the subsequent landscaping implementation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed measures.
REASON: To ensure adequate protection for existing water supply infrastructure in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.
REASON why pre-commencement condition: As it relates to potential impact upon the public water supply main area starting with the setting up for construction activities and site preparation.

12. No development other than the construction of the approved highways access shall take place unless and until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect nearby underground sewerage utility infrastructure and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.
REASON why pre-commencement condition: As foundations will be constructed at a very early stage in the development process and to ensure that any piling details and required protection measures are agreed in good time.

13. No development other than the construction of the approved highways access shall take place unless and until a scheme for the disposing of surface water by means of a sustainable drainage system has been submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment & Drainage Strategy Report (Jubb, version 3.0, dated 30/10/23). The scheme shall be implemented in full in accordance with the approved details prior to first use of the development unless otherwise agreed in writing by the Local Planning Authority. The submitted scheme shall:

• Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters;
• Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 plus climate change critical storm duration, using FEH2022 as the rainfall model; and
• Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with the National Planning Policy Framework does not leave the site uncontrolled via overland flow routes.
REASON: To ensure the flood risk is adequately addressed and not increased in accordance with Policy ENV8 of the Crawley Borough Local Plan 2015-2030 and the relevant paragraphs of the National Planning Policy Framework.
REASON why pre-commencement condition: As measures to address the drainage requirements may require below grounds works that need to be undertaken at a very early stage in the development process.

15. No development other than the construction of the approved highways access shall take place unless and until the Reserved Matters Energy Statement, referred to in the submitted Outline Energy Statement dated June 2023, detailing an energy strategy and a level of environmental performance consistent with the Outline Energy Statement, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.
REASON: In the interests of environmental sustainability, in accordance with Policies ENV6 and ENV7 of the Crawley Borough Local Plan 2015-2030, Policies SDC1 and SDC2 of the submission Crawley Borough Local Plan 2024-2040, and the Planning and Climate Change Supplementary Planning Document.
REASON why pre-commencement condition: As measures to address the energy needs of the site to an appropriate environmental performance may require below grounds works that need to be undertaken at a very early stage in the development process.

The Officer then gave details of the various relevant planning considerations as set out in the report.

John Cooban, a local resident, spoke in objection to the application. Matters raised included:

- The oak tree which was proposed to be removed was a category A specimen which provided mature urban tree canopy cover as required by planning policy, which would benefit future residents of the development.
- A modified scheme with a different layout and slightly reduced size could provide an alternative and allow for the tree to be retained.
- There were a number of errors and omissions about the tree in the application paperwork.

Gordon Easden, a member of Active Travel Crawley, spoke in objection to the application. Matters raised included:

- The bicycle parking proposed was at the rear of the development and did not seem easily accessible.
- Investment had been made in cycle routes across the town in recent years but the application did not propose to involve a continuous uninterrupted cycle route. Adapting the plans to join up the existing routes would be possible.
- Active Travel England, a statutory consultee, had made similar comments seeking enhanced walking and cycling provision.

Dave Hathaway, a local resident, spoke in relation to the application. Matters raised included:

- The provision of the homes was positive but the proposed access to the site was an issue. If permitted via the outline application the access could not be revisited in the future.
- The proposed single road access from Haslett Avenue East was problematic as traffic was already an issue and would be exacerbated by cars entering and leaving the new development.
- An alternative proposal of a new road through the site (forming a crossroads with Southgate Avenue) had been rejected by West Sussex County Council based on inadequate traffic surveys, but would improve traffic flow if modelled correctly.

Sam Hobson, the applicant (Affordable Housing & Healthcare Group) spoke in support of the application. Matters raised included:

- The proposals would provide accommodation for a range of people, including older people, through affordable housing and shared ownership schemes.
- The application would improve an under-utilised brownfield site in a sustainable location, providing jobs and supporting the town centre economy.
- There would be a biodiversity net gain and improvements to the public realm and the development was demonstrated to be water neutral.

Frank Carter Asante, a local resident, spoke in support of the application. Matters raised included:

- The proposals would provide residents and key workers with an opportunity to access affordable housing in a good location.
- The healthcare facilities proposed as part of the application would be beneficial for residents and reduce pressure on the NHS and the public purse.
- Jobs would be created for local people.

Michael Jones, Councillor for Bewbush & North Broadfield, spoke in support of the application. Matters raised included:

- The affordable housing provision exceeded requirements and the proposed extra care scheme would be highly beneficial for those with specific needs.
- It was regrettable that the oak tree was proposed to be felled and alternatives had been considered, but these would have to lead to either the loss of units or the loss of parking provision from Crawley library.
- The benefits of the application were significant and on balance, outweighed the tree loss. A significant landscaping scheme was proposed and there would be a net gain of trees.

Brenda Burgess, Ward Councillor for Three Bridges, spoke in objection to the application. Matters raised included:

- The proposed development was too large and was not in keeping with the streetscene as it would dominate nearby buildings.
- There would be significant impacts to local infrastructure from the increase in residents living in the area.
- Oak trees in the middle of their life span were in short supply –trees such as the one to be felled were valuable as they attract the most biodiversity. Younger replacement trees would not provide comparable ecological benefits.

The Committee then considered the application. Some Committee members agreed that the development of the under-utilised brownfield site was positive. The affordable housing provision was praised as were the proposed community benefits of the scheme and the extra care accommodation, but some were hesitant about the

resultant impact on local infrastructure. The Committee raised various queries about scale and access as part of its discussion on the application.

Concerns were raised that the proposed 12 storey building was much taller than the majority of existing buildings in the area and that a large, bulky development would be unattractive. The Officer agreed that the building was large but not necessarily out of character, as there would be some similarly-sized buildings nearby, such as the future Station Gateway development. Detailed design and appearance issues would be covered at the reserved matters stage. There were no immediate neighbours of the site and so any impact, such as from overlooking, would be minimal.

Following a query from a Committee member about access to the site, the Officer confirmed that the development was projected to generate 42 to 49 two-way vehicle movements during the AM and PM peak hour periods, which was calculated to be a reduction of movements compared to the previous use of the site as a car park. West Sussex County Council's Highways department had raised no concerns about a negative impact on traffic in the area. The Committee agreed that the loss of the oak tree required to create the proposed access was unfortunate – it was recognised that the tree was a large, healthy specimen and detail was sought on possible alternative accesses which could ensure the tree was retained, such as an access from Southgate Avenue adjacent to the railway line. The Officer explained that, at that point, there was a steep bank (approximately 5 metres in height) at the side of the site and creating the access over this change in ground level would be very difficult. There was also a number of trees along the southern boundary so moving the access would instead be likely to cause the loss of these trees. It was confirmed that officers had investigated every option in trying to retain the oak tree, including moving it to a new location, but the Arboricultural Officer had confirmed that the tree would not survive being removed and replanted elsewhere.

A Committee member requested that cycle routes near the development be improved. The Officer confirmed that the intention was that there would be a cycle route through the public area of the development, and that the existing cycle route would be joined up across the junction at Southgate Avenue to create a continuous cycle lane.

The Committee also discussed several matters which fell under the application's reserved matters, such as car and cycle parking, design, and overlooking, which it noted were of interest but were not for immediate consideration and were to be agreed at a later stage.

It was requested by the Chair that a recorded vote be taken on the application. The names of the Committee members voting for, against, or abstaining were as follows:

For the recommendation: Councillors Bounds, Charatan, K Khan, Y Khan, S Mullins, Nawaz, and Pritchard (7).

Against the recommendation: Councillors Ali, Jaggard, and Mwagale (3).

Abstentions: None.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the completion of a Section 106 agreement, the submission and implementation of a water neutrality strategy, and the conditions set out in report PES/447d (including amended conditions 11, 12, 13 and 15).

8. Crawley Borough Council Tree Preservation Order - Hazelwood, Balcombe Road, Pound Hill - 07/2023

The Committee considered report PES/448 of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) 07/2023 – Hazelwood, Balcombe Road, Pound Hill – with or without modification for continued protection, or not to confirm the TPO.

Councillors Ali and Jaggard declared they had visited the site.

9. Guillotine

As per General Committee Procedure Rule 15.4, the guillotine process came into effect at 11.00pm:

a) Any recommendations on the agenda that have not been dealt with will be deferred until the next scheduled meeting of the Committee.
b) Any item already undergoing debate at 11.00pm will be concluded and voted upon rather than being deferred.

10. Crawley Borough Council Tree Preservation Order - Hazelwood, Balcombe Road, Pound Hill - 07/2023

The Committee moved to a vote on the item.

RESOLVED

Confirm, without modification.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 11.00 pm.

S Pritchard (Chair)