

REFERENCE NO: CR/2022/0487/NM1

LOCATION: [TUI TRAVEL HOUSE, FLEMING WAY, NORTHGATE, CRAWLEY](#)
WARD: Langley Green & Tushmore
PROPOSAL: NON MATERIAL AMENDMENT TO APPROVED PLANNING APPLICATION CR/2022/0487/FUL FOR THE REDUCTION OF ACTUAL & PASSIVE ELECTRIC VEHICLE CHARGING POINT NUMBERS, REDUCTION IN SIZE OF THE FIRST FLOOR BALCONY DOORS & CHANGES TO THE LOCATION OF TREE PLANTING

TARGET DECISION DATE: 18 June 2024

CASE OFFICER: Miss S. Hobden

APPLICANT'S NAME: Crawley Borough Council

AGENT'S NAME: Miller Bourne Architects

PLANS & DRAWINGS CONSIDERED:-

Drawing Number	Revision	Drawing Title
1011-A-C02		Block Plan Proposed
2013-A-C02		North & South Elevations
5001-A-C02		External First Floor Doors
LLD2913-LAN-100	01	Hard & Soft Landscape
LLD2913-LAN-200	01	Detailed Planting Plan

CONSULTEE NOTIFICATIONS & RESPONSES:-

No consultees notified or responses received.

NEIGHBOUR NOTIFICATIONS:-

No neighbours notified.

RESPONSES RECEIVED:-

No neighbour responses received.

REASON FOR REPORTING TO COMMITTEE:-

The application has been submitted by Crawley Borough Council.

THE APPLICATION SITE:-

1.1 The site contains a three storey office building finished in a buff brick with grey windows and a grey tiled roof. The building is in the process of being converted to form the Crawley Innovation Centre. It is situated on the south side of Fleming Way and forms part of Crawley Business Quarter. The building has a broadly 'L' shaped form, with its main entrance centrally located within the inside part of the 'L'. The building

takes its access (pedestrian and vehicular) from the estate road to the west that serves the business quarter. The site is well landscaped on all sides. The car park wraps around the site to the north, west and south. None of the trees are protected.

- 1.2 The site is located within the Manor Royal Main Employment Area. To the east are two storey units (numbers 5 and 6) in the Satellite Business Village. These properties have their rear elevations facing the site and there is a thick intervening tree screen along the boundary. To the north is Fleming Way, and immediately to the north on the highway verge is a telecommunications mast with associated equipment cabinets. To the west is the access road into Crawley Business Quarter, beyond which is the Premier Inn hotel. A further three storey office building adjoins the site boundary to the south.
- 1.3 The application site is supplied with water by Southern Water from its Sussex North Water Resource Zone (SNWRZ).

THE PROPOSED DEVELOPMENT:-

- 1.4 The application seeks approval of a non-material amendment. This type of application would not normally be reported to Planning Committee. However, this is a Crawley Borough Council application and the delegated powers do not allow officers to issue a delegated decision.
- 1.5 Section 96A of the Town and Country Planning Act 1990 gives Local Planning Authorities powers to agree non-material changes to previously granted planning permissions. The changes to planning permission CR/2022/0487/FUL sought through this non-material amendment application are:
 - Increase in the number of actual electric vehicle charging points and decrease in the number of passive (ducting to facilitate future installation) electric vehicle charging points;
 - Reduction in size of first floor balcony doors on the south elevation; and
 - Relocation of one replacement tree.

PLANNING HISTORY:-

- 1.6 The following planning permission was granted for the conversion works to form the Innovation Centre:

CR/2022/0487/FUL - ALTERATION TO SOME DOORS AND WINDOWS ON ELEVATIONS, NEW ROLLER SHUTTER DOOR ON NORTH ELEVATION AND FIRST FLOOR DOOR ON SOUTH ELEVATION, PROVISION OF EV CHARGING POINTS, INSTALLATION OF PV PANELS TO ROOF (SOUTH AND EAST ELEVATIONS) AND REPLACEMENT OF ROOF PLANT. Permitted 02/11/22.

PLANNING POLICY AND GUIDANCE:-

Planning Practice Guidance

- 4.1. The government's Planning Practice Guidance gives the following advice on assessing Non-Material Amendment applications:

“Is there a definition of a non-material amendment?”

There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

Is consultation/publicity required?

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

Is notification required?

As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply.

Instead, before the application is made, the applicant must notify anyone who is an owner of the land which would be affected by the non-material amendment or, where the land comprises an agricultural holding, the tenant of that holding. The applicant must also record who has been notified on the application form. Anyone notified must be told where the application can be viewed, and that they have 14 days to make representations to the local planning authority. There is no prescribed form for this and no requirement for an ownership certificate or an agricultural holdings certificate to be provided. These requirements are set out in article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

What does the local planning authority have to take into account when making its decision?

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

Can the local planning authority allow this form of application if they consider that the amendment sought is not non-material?

This procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.”

Crawley Borough Local Plan (2015-2030)

4.2. The following policies from the Crawley Borough Local Plan are relevant to the proposal:

- Policy SD1: (Presumption in Favour of Sustainable Development) The Council will take a positive approach, in line with the planned approach to Crawley new town, to approving development which is sustainable and work proactively with applicants, stakeholders and other partners to find solutions. Development will be supported where it meets strategic objectives including becoming carbon neutral and addressing climate change; complementing the town’s compact character and neighbourhood principles; respecting heritage; protecting and enhancing Green Infrastructure; creating a safe environment; providing for social and economic needs; and according with the Plan’s policies and objectives.
- Policy CH3: (Normal Requirements of all New Development) Development should be based on a thorough understanding of the significance and distinctiveness of the site and its wider context and demonstrate how attractive or important features of the site will be retained.
- Policy CH6: (Tree Planting and Replacement Standards) Sets out that where development would result in the loss of trees, these should be identified and replaced to mitigate the visual impact from the loss of canopies. The requirement for replacement trees is based on the size of the trees to be lost and this is expected to take place on site or be subject to commuted payments for planting elsewhere. The Manor Royal Design Guide sets out tree planting requirements for that area.
- Policy EC3 (Manor Royal) Manor Royal is the principal business location for Crawley, and instrumental to the 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. All development at Manor Royal should contribute positively to the overall setting and environment of the Main Employment Area as a business district through high quality design and landscaping that is in accordance with the Manor Royal Design Guide Supplementary Planning Document.

- Policy ENV2 (Biodiversity) All development will be expected to incorporate biodiversity features where appropriate and enhance existing features of nature conservation value around the development.
- Policy ENV6 (Sustainable Design and Construction) All development must consider how it can address sustainability through reducing energy consumption, using renewable and low carbon energy, improving existing buildings when adding extensions, minimising carbon emissions during development and ensuring embedded carbon is retained and considering District Heat Networks, water stress and temperature extremes.
- Policy IN3 (Development and Requirements for Sustainable Transport) Development should be focussed to achieve sustainable transport through use of public transport, walking and cycling. Development should meet the access needs generated and not have unacceptable impact on congestion or highway safety.

Emerging Crawley Borough Local Plan 2023–2040

4.3. Following the close of the Local Plan Examination Hearings, receipt of the Inspectors’ Post-Hearing letter (dated 31 January 2024) and the publication of the Main Modifications for formal public consultation, the emerging Crawley Borough Local Plan 2023-2040 has reached a very advanced stage. Due to this advanced stage, the up-to-date evidence supporting the emerging Local Plan and the clear indications provided in the Inspectors’ Post-Hearing letter, the policies in the emerging Local Plan should be given substantial weight. This should only differ where there is a Main Modification proposed to the policy element being applied. The following policies are relevant:

- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Enabling Healthy Lifestyles and Wellbeing
- Policy CL2: Making Successful Places: Principles of Good Urban Design
- Policy DD1: Normal Requirements of All New Development
- Policy DD2: Inclusive Design
- Policy DD4: Tree Replacement Standards
- Policy EC2: Economic Growth in Main Employment Areas
- Policy EC3: Manor Royal
- Policy GI1: Green Infrastructure
- Policy GI3: Biodiversity and Net Gain
- Policy SDC1: Sustainable Design and Construction
- Policy ST1: Development and Requirements for Sustainable Transport

Supplementary Planning Documents

4.4. The following supplementary planning documents are applicable to this application:

Manor Royal Design Guide SPD and Public Realm Strategy

4.5. This document aims to support economic growth in Manor Royal, providing guidance to ensure that new development makes a significant contribution to the uplift of the area and secures delivery of high-quality development which supports the key business function.

Planning and Climate Change SPD

4.6. This provides further guidance on addressing the sustainability policies within the Local Plan, with examples of best practice and how to demonstrate compliance with the policies.

Green Infrastructure SPD

- 4.7. This SPD provides further guidance on new and replacement tree planting, the protection of existing trees, biodiversity and wider landscaping issues.

Urban Design SPD

- 4.8. This document provides further advice on the principles of good urban design in the Crawley context, highlighting in particular the importance of massing and materials, public realm, street design, parking and sustainable design. For industrial and commercial development consideration should be made of appropriate materials, colours and massing to improve the architectural language (as buildings are often designed functionally with little architectural merit). Greater consideration of the layout of the buildings relative to the street is encouraged along with opportunities to improve the urban environment and the use of landscaping.

PLANNING CONSIDERATIONS:-

Proposed amendments

- 4.9. The proposed amendments include an increase in the number of actual electric vehicle charging points from the ten previously agreed to twelve. A reduction in the number of passive spaces from the twenty previously agreed to twelve is also proposed. This is due to the charging units being provided in blocks of six, rather than nine as original proposed, and also due to the proximity of tree roots. The amendment would increase the number of fully functional EV charging spaces, which would be beneficial. The number of passive spaces, where ducting is provided but full installation is left to a future date, would be reduced. The twelve passive spaces could be brought into use at a later date and, if demand requires, additional spaces could also be provided in future.
- 4.10. A reduction in size of the first-floor balcony doors from 2710mm wide to 2485mm wide is proposed. This is due to the manufacturer being unable to supply the previously approved wider double doors. The change to the visual appearance of the building would be minimal.
- 4.11. It is proposed to relocate one of the previously agreed new trees to avoid the extensive ducting in the ground for the electric vehicle charging points. The revised location remains close to the front entrance and would result in limited impact upon the overall landscaped appearance of the site.
- 4.12. No objections were received to the original planning application that relate to the proposed amendments. Consequently, it is not considered that further consultation is necessary. The National Planning Policy Framework has been updated twice since the original application was permitted in November 2022. However, the updates do not affect the acceptability or material considerations in relation to this proposal. The Council has also published and submitted the Draft Crawley Borough Local Plan 2023-2040. This sets out policies covering a wide range of planning issues. However, none of the policies significantly change the material considerations affecting this application or lead to a different recommendation.
- 4.13. The proposed alterations are considered very minor changes to planning application CR/2022/0487/FUL that do not significantly change the original permission granted and thus are acceptable as non-material amendments.

Water neutrality

- 4.14. The Local Planning Authority received a Position Statement from Natural England on 14 September 2021. It raised significant concerns about the impact of water abstraction in the Sussex North Water Resource Zone upon the Arun Valley's protected SAC, SPA and Ramsar sites. Neither the wider proposal nor the current proposed amendments would involve a new connection to the water supply or directly involve

any water consumption. A screening assessment has been undertaken which concludes that the proposal would be water neutral as a result. The Local Planning Authority has therefore concluded that the proposal would not adversely affect the integrity of the protected sites and would not conflict with the obligations under the Conservation of Habitats and Species Regulations 2017.

CONCLUSIONS:-

4.15. In conclusion, the proposed amendments are considered very minor changes to planning application CR/2022/0487/FUL. The alterations do not significantly change the permitted scheme and therefore, are acceptable as non-material amendments under Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION RE: CR/2022/0487/NM1:-

PERMIT, subject to the following amended condition 2:-

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:

Drawing Number	Revision	Drawing Title
1015 S4 Rev	P02	Roof Plan
2002 S4 Rev	P07	Existing East West & Entrance Elevations
2003 S4 Rev	P04	Existing North & South Elevations
2012 S4 Rev	P07	East West & Entrance Elevations
2013 A C02		North & South Elevations
1011 A C02		Block Plan Proposed
1001 S4 Rev	P03	Location Plan & Existing Block Plan
1005 S4 Rev	P01	Plant & Roof level existing
5001 A C02		External Door Details 2 – First Floor (ED-14)
LLD2913-LAN-DWG-100	01	Hard and Soft Landscape General Arrangement
LLD2913-LAN-DWG-200	01	Detailed Planting Plan

REASON: For the avoidance of doubt and in the interests of proper planning.



ArcGIS Web Map



Crawley Borough Council
Town Hall, The Boulevard,
Crawley, West Sussex,
RH10 1UZ
Tel: 01293 438000

1:3,307

