

**REFERENCE NO: CR/2016/0858/ARM**

**LOCATION:** [PHASE 3, FORGE WOOD \(NES\), CRAWLEY](#)

**WARD:** Pound Hill North

**PROPOSAL:** APPROVAL OF RESERVED MATTERS FOR PHASE 3 EMPLOYMENT BUILDING, CAR PARKING, INTERNAL ACCESS ROADS, FOOTPATHS, PARKING & CIRCULATION AREAS, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE & ENGINEERING WORKS PURSUANT TO OUTLINE PLANNING PERMISSION CR/2015/0552/NCC FOR A NEW MIXED USE NEIGHBOURHOOD

**TARGET DECISION DATE:** 11 January 2017

**CASE OFFICER:** Mrs V. Cheesman

**APPLICANTS NAME:** Persimmon Homes Ltd

**AGENTS NAME:** Pegasus Planning Group Limited

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**PLANS & DRAWINGS CONSIDERED:**

T.0353\_08, Site Location Plan  
T.0353\_01\_2 , Site Layout  
T.0353\_06, Employment Block Elevations  
T.0353\_07, Employment Block Floor Plan  
CSA/667/251, Detailed Landscape Proposals Sheet 1 of 3  
CSA/667/252, Detailed Landscape Proposals Sheet 2 of 3  
CSA/667/253, Detailed Landscape Proposals Sheet 3 of 3  
7827/EMP-Ph/02 , Tree Protection Plan  
T324/01, Vehicle Swept Path of Large Refuse Vehicle  
T324/02, Vehicle Swept Path of Medium Size Car  
T324/03, Vehicle Swept Path of Ridged Vehicle  
T324/04, Street Lighting  
T324/06, Drainage, Levels & Contours  
T324/07, Construction Details  
T324/08, Cellular Storage Tank Details  
T.0353 14, Site Location Plan (Wider Context)  
T.0364-16, Bin/Cycle Stores

**CONSULTEE RESPONSES:-**

- |    |                                      |  |
|----|--------------------------------------|--|
| 1. | GAL - Planning Department            | No comments to make  |
| 2. | GAL - Aerodrome Safeguarding         | No objections subject to conditions and a crane informative                                      |
| 3. | National Air Traffic Services (NATS) | No safeguarding objection  |
| 4. | WSCC - Highways                      | No objections  |
| 5. | Cycle Forum                          | Comments on cycle parking provision, and connections to wider cycle network                      |
| 6. | West Sussex Fire Brigade             | No comments received   |
| 7. | Network Rail                         | Advice provided on the requirements for the safe operation of the railway – to be an informative |
| 8. | Environment Agency                   | No objection   |

9.	CBC - Drainage Officer	No objection
10.	Thames Water	Request a Grampian style condition be imposed as they consider there is inadequate sewerage capacity to accommodate the development. However, they advise that discussions are ongoing to agree a deliverable solution.
11.	Southern Water Ltd	Formal application for connection and on-site mains is required to be made by the developer
12.	WSCC - Surface Water Drainage (SWD)	No comments received
13.	Independent Water Networks Ltd	No comments received
14.	Sussex Building Control Partnership	No comments received
15.	Police	Comments on security issues
16.	UK Power Networks	No comments received
17.	Homes England	No comments received
18.	Ecology Officer	No objections subject to condition
19.	CBC - Planning Arboricultural Officer	No objections subject to conditions
20.	CBC - Environmental Health	No objections subject to conditions
21.	CBC - FP - Energy Efficiency & Sustainability	No objection
22.	CBC - FP - Retail & Employment	No objection
23.	CBC - Property Division	No comments to make

### **NEIGHBOUR NOTIFICATIONS:-**

Application published via press and site notices.

### **RESPONSES RECEIVED:-**

Objection received (2016) from First Plan on behalf of the Operators at Crawley Goods Yard regarding lack of information about the phasing and timing of the noise mitigation measures in relation to the dwellings, and that the proposals (at that time) did not adequately safeguard the Goods Yard operators. Note – this was submitted at the same time as comments on the s73 application when noise issues were being assessed.

### **REASON FOR REPORTING TO COMMITTEE:-**

The application relates to major development regarding the Forge Wood neighbourhood in which CBC has a land interest.

### **BACKGROUND:-**

#### **General**

- 1.1 Outline planning permission for the North East Sector neighbourhood, now known as Forge Wood, was originally granted by the Secretary of State on 16<sup>th</sup> February 2011 under reference CR/1998/0039/OUT.
- 1.2 The outline planning permission established the principle of a mixed use neighbourhood to include up to 1,900 dwellings, 5,000 sq m of employment floorspace, 2,500 sq m of net retail space, a local centre/community centre, a primary school, recreational open space, landscaping, the relocation of a 132KV power line adjacent to the M23 and other associated works.
- 1.3 More recently a Section 73 - variation of conditions application CR/2015/0552/NCC (referred to in this report as the 's73 application') was permitted on 15<sup>th</sup> November 2016, which issued a new outline planning permission for Forge Wood with updated decision notice relating to an amended Master Plan, Design Statement and revised conditions.
- 1.4 The principle of the new neighbourhood, the quantum of development, as well as the access arrangements and principal road junctions have therefore been established. Various Reserved

Matters applications have been considered by the Planning Committee for specific land parcels across the 4 phases of the development.

### **The western part of Forge Wood - Phase 2 and the Employment Building**

- 1.5 The western part of the Neighbourhood (which lies to the west of the Central Parkland and the Gatwick Stream) comprises the residential parcels of Phase 2 and the employment building (part of Phase 3).
- 1.6 In respect of Phase 2, CR/2015/0628/ARM has been approved for the infrastructure works (roads and drainage). The residential sub phase 2A has been approved under CR/2015/0740/ARM and has been constructed. Sub phase 2D was approved under CR/2016/0114/ARM and is under construction. The remaining elements are thus the employment building and the residential sub phases 2B and 2C.
- 1.7 With regard to sub phase 2B, application CR/2016/0718/ARM was due to be considered at the April 2016 Planning Committee, but the item was deleted from the agenda as the noise aspects required further consideration.
- 1.8 Since then and during the consideration of the s73 application, there were concerns over noise issues for Phases 2B and 2C, and specifically the relationship between the railway line, Crawley Goods Yard and the new dwellings. It was decided that a revised and updated noise report and chapter for the Environmental Statement (ES) was required. This was needed to inform the s73 application. It was also decided that the overarching approach to noise at this level needed to be resolved before detailed consideration could be given to the individual reserved matters applications.
- 1.9 The revised ES and s73 details set out that a combination of mitigation measures that would be required for the residential phases 2B and 2C including a 100m noise exclusion zone/buffer at the western boundary where dwellings are not permitted due to noise and air quality issues, and the erection of non-residential building to act as a barrier to screen the dwellings from the industrial noise. Other measures also required were an appropriate layout of the residential parcels themselves and the design, internal layout and siting of the individual dwellings, sound insulation measures and where necessary appropriate mechanical ventilation.
- 1.10 Furthermore, condition 34 on the original outline permission (CR/1998/0039/OUT) which required the submission of a scheme to protect the dwellings from noise, needed to be re-worded as part of the s73 application. The condition 34 details would then be subsequently submitted as a conditions discharge request and this would be considered alongside the relevant reserved matters applications.
- 1.11 Thus, more recently, and since the issuing of the s73 permission, the approach to this part of the Forge Wood development has been reassessed in the light of these requirements. The residential parcels of sub phases 2B and 2C (CR/2016/0083/ARM) and this subject application for the employment building (CR/2016/0858/ARM) have been revisited and the revised plans have been considered as a whole. This report deals with the employment building – that for sub phase 2B is considered elsewhere on this agenda. The details of sub phase 2C are still under assessment and will be brought to a subsequent Planning Committee. In addition the applicants have advised that a conditions discharge application for condition 34 (noise mitigation) is to be submitted imminently. An update on this position will be given at the meeting.

### **THE APPLICATION SITE:-**

- 2.1 The application site of 2.74ha is located on the far western side of Forge Wood, adjacent with the London-Brighton railway line along the western boundary of the neighbourhood, beyond which is the Crawley Good Yard.

- 2.2 The eastern part of the application site includes an area of mature trees. The eastern boundary of the application site adjoins the residential parcels of 2B and 2C, with the spine road for Phase 2 running centrally through them and the Central Parkland is set further to the east. The Gatwick stream runs from south to north through Central Parkland area.
- 2.3 Phase 2C wraps round the northern boundary of the application site, with phase 2A beyond. The site borders onto the existing fishing lake to the south which is used by a local fishing club.
- 2.4 The topography of the site and surrounding area is broadly flat and slightly higher towards the western side of the site. The railway line is set at a higher level.

### **THE PROPOSED DEVELOPMENT:-**

- 3.1 The application seeks the Approval of Reserved Matters for the employment building and associated parking and landscaping arrangements. The building is to be located on the western part of the application site, parallel to the railway line with the parking facilities and landscaped area set to the front (east). The landscaped grounds incorporate the retained mature trees in the eastern part of the site.
- 3.2 The building would be 350m long and 10m deep, with a total floorspace of 3572sqm. It would have a flat roof design with an average height of 10m along all of its length, with taller sections at 10.7m high.
- 3.3 The details of the building have been revised during the consideration of the application. Previously the drawings showed the building to be predominantly brick and the floorspace was laid out as open plan offices, with smaller ancillary cores. The revised plans now show the building to be constructed of red stock brick to the lower part of the walls with blue cladding above. The plans show it divided into 14 units, each with an 8m high roller shutter door and an entrance door on the eastern elevation. For flexibility, the internal arrangements are shown as 'open plan' to the ground floor, with no 1<sup>st</sup> floor layouts submitted, although the elevations show windows at ground floor and 1<sup>st</sup> floor level. Those windows at the higher level would allow light into the building and are shown to articulate the elevations and to avoid blank façades. On the rear (west) elevation the windows would be sealed and the doors are for emergency exit purposes only.
- 3.4 To the front (east) of the building, the layout incorporates parking facilities beyond which the land is to be laid out to provide landscaped grounds, including the retained trees with paths through to link to the adjoining residential parcels.

### **PLANNING POLICY:-**

#### The National Planning Policy Framework July 2018 (NPPF)

- 4.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives - economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. At the heart of the Framework is presumption in favour of sustainable development.
- 4.2 Relevant paragraphs are:
  - Paragraph 11: presumption in favour of sustainable development – this means that development proposals that accord with an up – to – date development plan should be approved without delay.
  - Section 5: delivering a sufficient supply of homes – this seeks to significantly boost the supply of housing.
  - Section 6: Building a strong, competitive economy – significant weight should be placed on the need to support economic growth and productivity.

- Section 11: Making effective use of land – decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 : Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Section 15: Conserving and enhancing the natural environment – decisions should prevent new and existing development from contributing to, being put at risk from , or being adversely affected by, unacceptable levels of pollution including air and noise. Potential adverse impacts on health and quality of life are to be taken into account. In respect of noise, decisions should mitigate and reduce to a minimum potential adverse impacts and avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure new development can be integrated effectively with existing businesses, which should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse impact on new development in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

#### Crawley 2030: The Crawley Borough Local Plan 2015-2030

- 4.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise.
- 4.4 The Plan was adopted on 16<sup>th</sup> December 2015.
- 4.5 Housing policy H2 identifies Forge Wood as a key deliverable housing site for up to 1,900 dwellings within the period to 2020.
- 4.6 Overarching policy SD1 sets out the presumption in favour of sustainable development in line with 6 strategic objectives which include progress towards climate change commitments, providing a safe and secure environment for residents and visitors and meeting the social and economic needs of the current and future population and policy CH1 supports development in line with the neighbourhood principle (of which this sub-phase of Forge Wood complies with).
- 4.7 Policy CH2 sets out the principles for good urban design and states:
- To assist in the creation, retention or enhancement of successful places in Crawley, development proposals will be required to:*
- a) respond to and reinforce locally distinctive patterns of development and landscape character and protect and/or enhance heritage assets;*
  - b) create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas;*
  - c) create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society, including disabled and elderly people;*
  - d) make places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport networks;*
  - e) provide recognisable routes, intersections and landmarks to help people find their way around;*
  - f) consider flexible development forms that can respond to changing social, technological and economic conditions; and*
  - g) provide diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.*
- Applications must include information that demonstrates that these principles would be achieved, or not compromised, through the proposed development.*
- 4.8 Policy CH3 sets out the normal requirements of all development and requires proposals to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate

and wider context, be of high quality in terms of landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials. In addition, proposals must provide a good standard of amenity for future residents in compliance with internal space standards and not cause unreasonable harm to the amenity of the surrounding area by way of overlooking, dominance or overshadowing, traffic generation and general activity. The policy requires the retention of existing individual or groups of trees that contribute positively to the area and seeks to ensure sufficient space for trees to reach maturity particularly when located in private gardens to ensure dwellings receive adequate daylight. Development should also meet its operational needs in respect of parking, access, refuse storage etc. The policy also requires the development to incorporate 'Secure by Design principles' to reduce crime, consider community safety measures and demonstrate design quality through 'Building for life' criteria.

- 4.9 Policy CH4 requires the comprehensive and efficient use of land to ensure the proper phasing of development over a wider area.
- 4.10 Policy CH7 identifies the central parkland area to the east of the application site as structural landscaping and an important feature that should be protected and enhanced. This aspect has been considered and identified as an integral landscape feature in the overall masterplanning of Forge Wood.
- 4.11 Policy CH12 seeks to protect heritage assets. The site has been identified as an archaeologically sensitive area and condition 19 on the s73 application covers these requirements.
- 4.12 Policy EC1 relates to Sustainable Economic Growth and requires all suitable opportunities to be fully explored to enable existing and new businesses to grow and prosper and to meet future economic growth needs.
- 4.13 Policy EC4: Employment Development and Residential Amenity seeks to ensure that economic functions of areas are not constrained by inappropriate residential development and equally that no adverse effect to the amenity of residential areas occurs from economic development.
- 4.14 Policy ENV2 requires all proposals to encourage biodiversity where appropriate and to refuse proposals where there would be significant harm to protected habitats or species unless harm can be appropriately mitigated.
- 4.15 Policy ENV6 sets out the requirement for all development to maximise carbon efficiency and sustainability objectives, with new non-domestic buildings to be assessed against BREEAM standards. For Forge Wood it should be noted that the requirement is covered by condition 22 and is to achieve a 'very good' rating.
- 4.16 Policy ENV8 seeks to ensure development proposals must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding elsewhere. The suitability of this site was considered as part of the outline application, through the overall masterplan layout and via the site wide drainage strategy covered by condition 16. The reserved matters applications are required to include the specific drainage details for the relevant phase/sub phase.
- 4.17 Policy ENV9 seeks to ensure development is planned and designed to minimise the impact on water resources and promote water efficiency.
- 4.18 Policy ENV11 seeks to protect people's quality of life from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Residential and other noise sensitive development in areas that are exposed to significant noise from existing or future industrial, commercial or transport noise sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users of the development will be made acceptable. Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will adversely affect the

amenity of existing and future users. Proposals will be required to appropriately mitigate noise through careful planning, layout and design.

- 4.19 Policy IN1 seeks to satisfactory infrastructure provision on and off site and where necessary mitigation (this site was considered as part of the outline application, through the overall masterplan layout and via planning conditions).
- 4.20 Policy IN4 requires development to meet its needs when assessed against the Council's car parking and cycle parking standards.

#### Supplementary Planning Guidance and Documents

- 4.21 The Council's following Supplementary Planning Documents and Guidance Notes are also relevant to this application. The Supplementary Planning Documents were all adopted in October 2016:
- Planning and Climate Change – Sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, supporting District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport.
  - Urban Design – With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. It also sets out the car and cycle parking standards for the Borough.
  - Green Infrastructure – Sets out the Council's approach to trees, open space and biodiversity. It includes the justification and calculations for tree replacement and new tree planting under Policy CH6. A contribution of £700 per tree is sought for each new dwelling.
  - Developer Contributions Guidance Note (Adopted July 2016) - Following the introduction of the Community Infrastructure Levy, this guidance note sets out the Council's approach to securing contributions towards infrastructure provision.

#### **PLANNING CONSIDERATIONS:-**

- 5.1 The principle of the new neighbourhood, the quantum of development and the main access arrangements have been established with the grant of the original outline planning permission (CR/1998/0039/OUT) and the subsequent s73 application (CR/2015/0552/NCC) which resulted in the issue of a new outline planning permission for Forge Wood.
- 5.2 This application is for the approval of Reserved Matters, that is, for the detailed design and layout only and the LPA cannot refuse it on grounds which go to the principle of the development. It can only consider detail relevant to that particular application.
- 5.3 The key issues to consider in determining this application are:
- Is the proposal in substantial accordance with the approved Masterplan and Design Statement?
  - Design of the building and layout
  - Noise considerations
  - Highway safety, access and parking issues
  - Sustainable design considerations
  - Ecology, trees and landscaping
  - Drainage

#### Is the proposal in substantial accordance with the approved Masterplan?

- 5.4 The outline planning permission for Forge Wood includes provision for employment floorspace as a key component of the new neighbourhood. Its location is shown on the Masterplan. In addition, the outline permission and associated ES requires the building to serve as a noise mitigation barrier for the new dwellings immediately to the east in phases 2B and 2C in order to protect the occupants from

noise from the railway line and the Goods Yard. Thus the principle of an employment building, in this location and of this scale has been established at outline stage.

- 5.5 Given the significant need for office and particularly industrial land in Crawley, this application would contribute significantly to the overall supply of business land in the Borough. Furthermore, by showing a flexible floorspace for the B class business uses, the application has the potential to help address under-supply for both office and industrial land uses.
- 5.6 The detail of the approved Masterplan shows the overarching arrangements of this part of Forge Wood, with an employment building running north/south adjacent to the railway line that is to the west, and with a retained treeline separating the building from the residential parcels of phase 2B and 2C to the east. The general road arrangements correspond with that shown on the Masterplan, with access to be obtained from the main spine road, which runs through Phase 2. Thus the details of this reserved matters application are consistent with the approved Masterplan.

#### Design of the building and layout

- 5.7 The approved Design Statement identifies this location as a separate character area - the Western Employment Area. The design objectives are:
- Building form to provide a near-continuous barrier to mitigate the effects of railway noise
  - Provide high quality façade along the highway frontage which is compatible with the character and quality of the residential area to the east
  - Retain the majority of the mature trees
  - Provide a flexible layout which can accommodate a range of potential end users
- 5.8 The design of the building and the associated layout of the site is constrained by the application site area and shape (which is long and relatively narrow), its relationship to the adjacent residential parcels and the railway line and Goods Yard, plus the function that the building has to perform in terms of its noise mitigation role.
- 5.9 The site is 2.74ha in area, being 370m long and between 65 – 85m wide. The building is 350m long and 10m deep, with a total floorspace of 3572sqm. It would have flat roof with an average height of 10m, along all of its length, with taller sections at 10.7m high. The noise assessment that accompanied the outline application and the ES established that this height and length was required to maximise the acoustic function of the building.
- 5.10 The building is single aspect with access into the front (eastern) elevation only. This elevation overlooks the adjacent parking area and the landscaped grounds, which incorporate the retained mature trees. The proposed materials are red stock brick to the lower part of the walls with blue cladding above. Precise details of the materials including samples would be required to be submitted as part of a conditions discharge application for subsequent consideration.
- 5.11 The building is shown to be divided into 14 units. Each would have an 8m high roller shutter door and an entrance door on the eastern elevation. For flexibility, the internal arrangements are shown as 'open plan' to the ground floor, with no 1<sup>st</sup> floor layouts submitted, although the elevations show windows at ground floor and 1st floor level. The higher level windows are proposed to allow light to enter the building. Accommodation (such as offices) could subsequently be provided at first floor level to meet the requirements of potential occupants, but this would have implications for parking and so a condition is recommended in this respect. On the rear (west) elevation the windows would be sealed and the doors are fire doors for emergency exit purposes only.
- 5.12 To the front (east) of the building, the layout incorporates the landscaped parking facilities, which include 120 car spaces, 6 lorry parking spaces and cycle storage facilities. The front of the site is also laid out to provide landscaped grounds, including the retained trees. Centrally a landscaped square of communal space is shown, with benches for employees to use and gives a focal point to the site. Paths through this landscaped area are incorporated to link to the adjoining residential parcels.

- 5.13 Sussex Police have commented that the landscaped areas should not impede natural surveillance and access control to the site would assist in creating a safe and secure environment. Security fencing to the perimeter of the site and controlled access gates are suggested.
- 5.14 The landscaping is an integral part of the development and the layout has sought to retain and enhance the existing landscaping that lies between the employment building and the houses in phase 2. The landscaping would be maintained by the management company for the neighbourhood. The use of security mesh fencing around the perimeter of the site would not be supported as it would be visually unattractive and would artificially separate these two parts of the neighbourhood. However, security of the site is important and so it is recommended that a condition be imposed requiring details of security measures, including fencing.
- 5.15 Whilst the scale and massing of the building is large, and the footprint is very substantial, this unique approach is required in order to provide the noise barrier that will enable the residential sub phases of 2B and 2C to come forward, as without it, the dwellings would be subject to unacceptable noise levels from the railway and the established commercial activities at the Goods Yard.
- 5.16 By setting the building over to the far west side of the site, this allows for the maximum retention of the existing trees, which incorporate a number of mature trees and which would then provide an attractive landscaped area and setting for the building and would break up the view of the building from the residential parcels to the east.
- 5.17 In these circumstances, the design and layout of the proposals are considered to be acceptable and conform to the criteria set out at outline stage including the approved Design Statement.

#### Noise considerations

- 5.18 Noise is a significant issue across Forge Wood and especially on the western part of the neighbourhood arising from the proximity of Gatwick Airport, plus the railway line and Goods Yard. Noise was a key consideration at the Planning Inquiries in respect of the original outline application, as well as the more recent s73 application.
- 5.19 As set out in the Planning History section of this report, this application has been submitted, and subsequently refined, to address the specific noise considerations that arise from the close proximity of the railway line and Goods Yard and the need to provide a suitable noise environment for the future residential occupiers of sub phases 2B and 2C. In addition, and as now required in the updated NPPF, it is necessary to protect the rights of the existing businesses such as those in the Goods Yard and allow them to continue to operate, without unreasonable restrictions being placed upon them as a result of the new dwellings.
- 5.20 It was established during the consideration of the s73 application and the ES that the building is required to form part of a combination of noise mitigation measures. These include a 100m exclusion zone/buffer where dwellings are not permitted and, adjacent to the residential parcels themselves, the erection of this non-residential building which will act as a barrier block to screen the dwellings from the industrial noise. Other measures necessary relate to the design, internal layout and siting of the new dwellings, together with sound insulation measures, and where necessary appropriate mechanical ventilation.
- 5.21 Thus the building serves a dual purpose - as well as providing employment floor space, it will act as a noise screen. Its position, footprint and height, as well as its design and layout, are all derived from the noise attenuation properties that are required. Such a building was shown as such in the original Masterplan, the details of which were developed further at the s73 stage. The erection of the commercial employment building is an integral part of the noise mitigation proposals that are required in this location, as otherwise residential development here would be unacceptable on environmental grounds.
- 5.22 The Environmental Health Officer has commented that..

*'...a number of discussions with the applicant has resolved all outstanding issues with regards the employment building. This is an integral part of the Forge Wood development as it acts as a noise barrier to both the railway line and more importantly to the Goods Yard, whose day and night time activities have the potential to cause significant disturbance to future residents. The block has to be continuous and without gaps to maintain the integrity of the block as a noise barrier. The windows on the western elevation are sealed to protect future employees and also maintain that acoustic integrity. There is no indication of the proposed level of noise insulation ability of the building fabric ( including the windows) to protect future users and also to prevent unreasonable levels of noise transmission between the units.*

- 5.23 He therefore recommends a condition relating to the sealed windows and emergency exit doors, plus a condition requiring a sound insulation scheme for the internal environment of the building.
- 5.24 Officers would also suggest that conditions restricting future alterations or extensions to the building or changes of use are necessary in control future changes and to ensure the acoustic properties are retained and that the principal of a commercial building in this location is not undermined.
- 5.25 With regard to the relationship of the commercial use of the building itself and adjacent residential uses, the outline permission allows for the building to be used for B1, B2 and B8 uses. Whilst B1 includes light industrial which are uses that can take place in residential areas, potentially B2 (general industrial) and B8 (storage and distribution) uses could give rise to noise impacts. However, condition 37 on the outline permission controls noise levels from the activities in relation to background noise levels.
- 5.26 In addition, for the dwellings themselves, the outline planning permission under condition 34 requires a scheme to demonstrate the dwellings on a phase or sub phase have sufficient protection against aircraft, railway, road and industrial noise sources. The applicants have advised that this is to be submitted shortly in association with those residential reserved matters and will include a construction/phasing sequence to ensure that the necessary mitigation is in place prior to occupation of the dwellings
- 5.27 As the provision of the employment building is crucial to the residential environment for the dwellings on 2B and 2C, it is considered that a s106 legal agreement is required. This would link the commercial and residential applications together and restrict occupation of the dwellings until the employment building has been constructed to a standard that provides the appropriate level of noise mitigation.

#### Highway safety, access and parking issues

- 5.28 Vehicular access into the building is via the spine road serving Phase 2 with two access points leading direct to the building and parking areas. This arrangement is shown on the Masterplan. Pedestrian access is via the pavements along these access roads or by footpaths that lead from the residential areas across the landscaped frontage to the building. Cycle access and connection to the wider network would be achieved.
- 5.29 120 car parking spaces and 6 lorry parking bays are shown, which accords with the relevant parking standards for the floorspace shown. As set out above, should future occupiers require 1<sup>st</sup> floor accommodation, such as offices, this would give rise to the need for extra parking, so a condition is recommended to control this aspect.
- 5.30 Cycle parking for staff is to be provided in 4 secure storage buildings, adjacent to the car parking areas, which could accommodate 48 cycles. It is envisaged that cycle parking stands for visitors would be provided at the front of the building, one between the entrance doors on each pair of units. The details of these can be controlled via a condition.
- 5.31 WSCC Highways have no objections. Their initial comments regarding cycle parking have been addressed. In respect of the latest plans which show lorry manoeuvring and parking, the details are considered to be acceptable.

- 5.32 The Cycle Forum have commented on staff and visitor cycle parking facilities, the links to the wider cycle network and provision of additional paths to link to the employment building. These have been taken into account in the revised plans.

#### Sustainable design considerations

- 5.33 Sustainable design considerations are covered by condition 22 which set out the BREEAM standards that apply. The details of the construction in this regard will thus need to be the subject of a conditions discharge request application.

#### Ecology, trees and landscaping

- 5.34 The Ecological report submitted with this application has concluded that the habitats within this application site are considered to be of limited ecological value however there are habitats of comparatively greater value in the wider site area (ie. Woodlands and Gatwick Stream to the east and south of the site). The site has been regularly surveyed for protected species to ensure existing habitats are protected and/or suitable mitigation is provided.
- 5.35 The trees within and adjacent to the site were assessed for their potential to support roosting bats and none were recorded as having potential to support roosting bats. However bat boxes will be placed within the woodlands on the wider site. Where trees are to be felled to facilitate the development, it was not considered to have a significant impact on the long-term foraging opportunities for bats. Importantly the landscape scheme for the wider site includes new areas of hedgerow and tree planting that will compensate for any losses that occur and will help to maintain connectivity and foraging opportunities for bats. In addition, the improved management of the woodlands within the wider site, such as the removal of invasive species and the provision of new native planting, will help to increase biodiversity in the long term.
- 5.36 No evidence of badgers were recorded on the site during the surveys and all badger setts within the wider site were inactive.
- 5.37 A small population of Great Crested Newts (GKN) within the site and wider area has been recorded and the habitats present provide potential terrestrial opportunities for this species. All GKN and amphibians within the site have been removed as part of the translocation exercise carried out under a licence from Natural England and four new ponds have been created in the wider site to mitigate for the loss of 2 ponds.
- 5.38 The majority of the application site comprises habitats that are not suitable for common reptiles, but those present were translocated to suitable retained habitats in the wider site.
- 5.39 The advice received from the Ecology Consultant concluded that protected species issues are adequately addressed by the actions that have already taken place as indicated in the Ecology Report or by the further recommendations in the Report.
- 5.40 The proposals require the removal of a section of a wooded adjacent to the railway line and other trees to facilitate the placing of the building and associated facilities. However, the majority of trees on the site are to be retained, especially those that would lie between the building and the new residential areas to the east, and new tree planting is proposed. Most of the loss is from the low quality category and those unsuited to retention due to poor condition. Some of the proposed parking and footpaths lie within the outer extremities of the roof protection areas of the retained trees. To minimise harm to these trees, the areas are to be provided via the no-dig form of construction. This can be addressed via a condition. There were no objections raised by the Arboricultural Officer to the recommendations set out in the Arboricultural report subject to tree protection measures being in place during construction in line with the recommendations.
- 5.41 In conclusion, the principle of this loss of countryside and habitat was accepted by the outline permission and ecology study, and the proposals for this site and the wider area overall are

considered to provide adequate mitigation for the protected species and safeguards are appropriate for the adjoining Ancient Woodland and retained trees /hedges.

## Drainage

### Surface Water

- 5.42 The drainage strategy submitted for Phase 2 pursuant to condition 16 shows the sewer alignments under the main roads and this is shown in the plans approved for the phase 2 spine roads under CR/2015/0628/ARM along with the agreed positioning of the swales as indicated on site wide strategy.
- 5.43 The drainage strategy has been updated to relate to these current proposals, which are in Phase 3, but immediately adjacent to Phase 2. The employment building site incorporates two areas of cellular storage tanks, under the car parking areas, and which would connect to the sewer system in Phase 2. The site would drain towards the swales to the east of the site, these features holding the water until its release into the Gatwick Stream.
- 5.44 The future long term maintenance and management of the drainage features is included in the site wide drainage strategy under condition 16. The approach is that the drainage would be the responsibility of a private management company and finalised details of the arrangements have been submitted for this condition.

### Foul drainage

- 5.45 Thames Water has consistently commented that the existing waste water infrastructure is unable to accommodate the needs of the development and have recommended that a 'Grampian Style' condition be imposed requiring an on and off-site drainage strategy for the proposed works. It is not appropriate to impose a condition relating to strategic infrastructure to a reserved matter application as such issues should have been conditioned at outline stage. The appeal Inspector did not impose a specific condition in respect of foul water drainage. The applicants are in any event required to make satisfactory provision for waste water and will have to reach agreement with Thames Water. This can be achieved outside of this reserved matters application.
- 5.46 The applicants have previously confirmed that they already have a foul drainage strategy and agreement with Thames Water which covers the whole development. More recently they have also advised that that under S106 of the Water Industry Act (WIA), Thames Water have previously granted the right to connect to the public foul sewer network in two locations, namely Radford Rd and the junction of Balcombe Rd/Steers Lane. Subsequent to that agreed position, GTC ( the appointed drainage adopting body for this development) have developed matters further with Thames Water including a potential new sewer to the sewage treatment works, all under the WIA.
- 5.47 Thames Water have subsequently confirmed that discussions are ongoing with the developers to agree a deliverable solution, with the preferred option being the construction of a rising main to discharge flows to Crawley Sewage Treatment Works.

## **CONCLUSIONS:-**

- 6.1 This application is for a further element of the Forge Wood development and seeks agreement on the design and layout of the employment building, which also acts as the major aspect of the noise mitigation measures that are required for this part of the site. It is considered that this application has addressed the noise and design parameters and relevant conditions imposed on the outline planning permission and is considered to be in substantial accordance with the Masterplan and Design Statement.
- 6.2 It is acknowledged that the overall scale of the structure, especially its length and height is substantial, but it is recognised that a building of these dimensions is essential to address the noise environment that arises from the close proximity to the railway line and Crawley Goods Yard. It therefore unlocks the development of the two adjacent residential parcels in 2B and 2C and allows

them to proceed. Without such a building, the residential development would be unacceptable on environmental grounds.

- 6.3 In these circumstances, the detail of the design, layout, access arrangements and landscaping proposals are considered to address the requirements of the outline permission and relevant policy criteria.
- 6.4 As the employment building is so crucial to the delivery of the residential parcels, a s106 agreement is needed to link the applications together and to ensure that the employment building is constructed so that it provides the appropriate noise mitigation prior to occupation of the houses and flats. The s106 is include the following obligations:
- To restrict occupation of the flat barrier blocks unless and until the employment building has been substantially completed
- and
- To restrict occupation of any dwelling (apart from the flat barrier blocks) unless and until the employment building and flat barrier block for that sub phase have been substantially completed.

#### **RECOMMENDATION RE: CR/2016/0858/ARM**

The recommendation is to **APPROVE** this Reserved Matters application, subject to the completion of a S106 Agreement as set out at paragraph 6.4 above and the imposition of the following conditions:

1. 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.  
REASON: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall not be occupied until the accesses, parking spaces and turning facilities shown on the submitted plans have been provided and constructed in accordance with the approved details. The areas of land so provided shall not thereafter be used other than for the purposes for which it is provided.  
REASON: In the interests of road safety and to accord with approved policy in accordance with policies CH3 of the Crawley Borough Local Plan 2015-2030.
3. Before the commercial building hereby approved is occupied, provision for the parking of cycles for staff shall be made in accordance with the approved planning drawings details and details of the visitor cycle stands shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.  
REASON: To safeguard the appearance of the development and to ensure the operational requirements of the development are met in accordance with Policy CH3 and IN4 of the Crawley Borough Local Plan 2015 -2030.
4. Prior to commencement of development details of lighting required during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be implemented in accordance with the agreed details. The lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.  
REASON: To safeguard the appearance of the development, the visual and ecological amenities of the area and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare in accordance with Policies CH3 and ENV2 of the Crawley Borough Local Plan 2015 -2030.
5. Before the commercial building hereby approved is occupied, details of the design and location of lighting to be provided for the building and in the forecourt and parking areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be implemented in accordance with the agreed details. The lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

REASON: To safeguard the appearance of the development, the visual and ecological amenities of the area and to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare in accordance with Policies CH3 and ENV2 of the Crawley Borough Local Plan 2015 -2030.

6. No development, including site works of any description shall take place on the site unless and until all the trees/bushes/hedges to be retained on the site have been protected in accordance with the Tree Protection Plan 7827 EMP- Ph /02 Rev B and in accordance with measures in the submitted Arboricultural Impact Assessment JTK/ 7827EMP Phase/so Revision B May 2018. Within the areas thereby 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 roots with a diameter of 25mm or more shall be left un-severed  
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.
7. The construction of the development shall be undertaken in accordance with the safeguards detailed within the submitted Ecological Assessment '4039.EcoAss.vf1'- North East Sector, Crawley – Employment ( August 2016) by Ecology Solutions.  
REASON: To ensure that the ecology of the site is protected and enhanced in accordance with policy ENV2 of the Crawley Borough Local Plan 2015-2030 and Para 174 of the NPPF 2018.
8. All landscaping works shall be carried out in accordance with the approved soft landscaping specification scheme (CSA/667/251 Rev E, 252 Rev E and 253 Rev E). No alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity and because the scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Gatwick Airport through the attraction of birds in accordance with policy CH3 the Crawley Borough Local Plan 2015-2030.
9. 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 of the Crawley Borough Local Plan 2015-2030.
10. Before the commercial building hereby approved is occupied, details of security measures including fencing shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.  
REASON: In the interests of amenity and of the environment of the development in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
11. The windows on the west elevation of the employment building hereby permitted shall be sealed shut at all times and the fire doors shall be for emergency use only. No additional openings, doors or windows shall be installed unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.  
REASON: In the interests of amenity and the noise environment of the locality in accordance with policy CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
12. Prior to the commencement of the development, written proposals for the sound insulation scheme for the building (“the scheme”) shall be submitted to the Local Planning Authority (the “LPA”) for approval. The scheme shall include full details of all proposed sound insulation, predictive

calculations, assumptions and measurements made. Development shall not commence until written approval of the scheme has been given by the Local Planning Authority.

The Scheme shall include the envelope of the building and the partitions between business units with reference to the standards set down in BS8233:2014 Internal Noise Levels.

REASON: To ensure a reasonable standard of sound insulation for the building in accordance with Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (as amended), the employment building hereby permitted shall not be used for any purpose other than for purposes within Classes B1, B2 or B8 in the Schedule to the Town and Country Planning (Use Classes) Order 2005 (as amended).  
REASON: In order to accord with the approved Master Plan for the Forge Wood development and because changes of use are not considered appropriate due to the noise environment of the locality in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (as amended), no additional floorspace to the employment building hereby permitted shall be provided by extensions or alterations unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.  
REASON: In order to control the development in detail and to ensure satisfactory facilities for access and parking are provided in accordance with policy CH3 and IN4 of the Crawley Borough Local Plan 2015-2030
15. The Bird Hazard Management Plan dated September 2016 ref LHU/P.0571, shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the Plan are to take place unless first submitted to and approved by the Local Planning Authority.  
REASON: It is necessary to manage the roof in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Gatwick Airport through the attractiveness of birds, in accordance with policy CH3 the Crawley Borough Local Plan 2015-2030.

## INFORMATIVES

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirements of the British Standard Code of Practice of 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. For crane queries/applications please email [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4 'Cranes and Other Construction Issues' available at [www.aoa.org.uk/policy-campaigns/operations-safety/](http://www.aoa.org.uk/policy-campaigns/operations-safety/)
2. For conditions 4 and 5 further information regarding lighting can be found in Advice Note 2 'Lighting Near Aerodromes' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>
3. Southern Water requires a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant's attention is drawn to the consultation response from Network Rail dated 8<sup>th</sup> November 2016 regarding the requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

## 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 through pre-application discussions/correspondence.

- Liaising with consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary during the course of the determination of the application.

- Seeking amended plans/additional information to address identified issues during the course of the application.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.

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KEY:  
 SITE APPLICATION BOUNDARY (2.74Ha)

### NES CRAWLEY: EMPLOYMENT - SITE LOCATION PLAN (WIDER CONTEXT)

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

www.pegasuspg.co.uk | TEAM/DRAWN BY: MCC/CCW | APPROVED BY: MCC | DATE: 19/10/2016 | 1:250 0 A2 | DRWG: T.0358\_14 | CLIENT: TAYLOR WIMPEY & PERSIMMON HOMES

