

REFERENCE NO: CR/2018/0242/OUT

LOCATION: [LAND ADJACENT TO 3 CORONET CLOSE, POUND HILL, CRAWLEY](#)
WARD: Pound Hill South and Worth
PROPOSAL: OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE TO BE DETERMINED WITH APPEARANCE AND LANDSCAPING RESERVED) FOR A CHILDREN'S DAY NURSERY (USE CLASS D1) (AMENDED PLANS RECEIVED)

TARGET DECISION DATE: 23 May 2018

CASE OFFICER: Ms Z. Brown

APPLICANTS NAME: 3242 Investments Ltd
AGENTS NAME: Cogito Consulting

PLANS & DRAWINGS CONSIDERED:

SK1.201, Block plan - nursery scheme
SK1.202, Nursery scheme - Proposed Site Layout
CBC 002, Rev July Tree protection Plan - nursery scheme
SK1.204, Nursery scheme - Indicative Street Scenes
SK1.203, Nursery Scheme - indicative plans, elevations and sections
SK1, Location Plan
459CR01 , Level Survey

CONSULTEE NOTIFICATIONS & RESPONSES:-

1.	GAL Aerodrome Safeguarding	No objection
2.	WSCC Highways	No objection, subject to condition
3.	Thames Water	No response received
4.	Sussex Building Control Partnership	No response received
5.	Natural England	Objection, refer to standing advice
6.	CBC Planning Arboricultural Officer	Objection in principle
7.	The Woodland Trust	No response received
8.	CBC Refuse & Recycling Team	No objection
9.	CBC Energy Efficiency & Sustainability	No objection, subject to conditions
10.	Ecology Officer	Objection in principle
11.	CBC Countryside & Open Space	Objection in principle
12.	CBC Environmental Health	Objection
13.	Forestry Commission	Objection, refer to standing advice
14.	National Air Traffic Services (NATS)	No objection

NEIGHBOUR NOTIFICATIONS:-

2, 4, 6, 8A, 8B Byerley Way;
1 to 8 and 12 Coronet Close;
10, 11, and 12 Sedgefield Close.

RESPONSES RECEIVED:-

Fifty-five letters from the occupiers of nearby properties have been received raising objections to the proposal. The main issues raised were as follows under key themes:

The loss of the woodlands

- Greater need for local greenspace than a nursery
- Will result in the loss of an Ancient Woodland site
- No regard for wildlife or natural greenspaces
- Inaccuracy in the report which states that there are no trees on the land
- Should replant trees
- The site provides an important element in the Structural Landscaping and a break in the densely packed urban area

Impact on highways

- Increased parking and traffic
- Unlikely to use public transport therefore will rely on cars to get to the nursery
- Inadequacy of the existing road network
- Not enough parking on the proposal site
- Issues of access for emergency vehicles
- Increased potential for collisions or accidents from the increased traffic
- Coronet Close was not designed to accommodate a nursery

Impact on residents

- Increased noise from the nursery as there could potentially be 60 children
- Loss of privacy and noise impact, detrimental impact on the living conditions of nearby residents
- The trees provide physical and mental well-being for nearby residents

The proposed nursery

- Increased noise from the children
- Enough nurseries in the local area
- No information regarding delivery hours
- No benefit to the local community

Other

- Increased air pollution as more cars will be using the roads
- Increased flood risk
- Will set a precedent for future development
- In appropriate development

Re-consultation letters were sent to neighbouring properties on 30/07/2018 for a period of 14 days to 13/08/2018 allowing neighbours to comment on the revised proposal and site layout. Nine additional representations were received. No new issues were highlighted.

REASON FOR REPORTING TO COMMITTEE:-

The application has been called in by Councillor Peter Smith.

THE APPLICATION SITE:-

- 1.1 The application site is located to the east of Coronet Close, south of Byerley Way, north of Sedgefield Close and forms part of an area of woodland which borders the M23. The woodland is known as Burleys Wood. The site area is 1988 sqm. The area of woodland in which the site belongs is designated as Ancient Woodland.
- 1.2 It is evident from historic maps (Yeakell and Gream Map, dated 1795), that the application site was part of the historic parkland of Crabbet Park. In the 1960s, the construction of the M23 bisected the site, and much of the woodland to the west of the M23 was then cleared in the 1970s for residential development. Despite the significant clearance of the surrounding area, two areas of Ancient Woodland have remained. This includes the application site with the attached areas of woodland to the east and west and a second parcel of woodland located to the south-west owned by Crawley Borough Council.
- 1.3 The site is designated within the Local Plan as Structural Landscaping (Policy CH7). There is a narrow site entrance at the north-west corner for pedestrians between Nos. 2 Byerley Way and 1 Coronet Close. There are also informal networks of footpaths linking the site to the wider area of woodland to the west. There is currently no formal vehicular access to the site, and there are no public rights of way within the site.
- 1.4 The site is surrounded on its northern, western and southern sides by residential properties. The properties on Byerley Way to the north and Sedgefield Close to the south are predominantly detached, and those on Coronet Close are a mixture of semi-detached and detached properties. The site lies approximately 240m to the west of the M23 motorway, with an area of woodland and open space between the site and the motorway, a contrast to residential properties on The Canter and Sedgefield Close which are located significantly closer to the motorway.
- 1.5 On the 13th February 2018, the site was almost entirely cleared of trees and vegetation. The site now contains two large piles of felled trees and regenerating woodland.
- 1.6 The site has a number of designations and constraints:
 - The site is formally designated as Semi-Natural Ancient Woodland. The site was formally recognised in 2000, and is designated in 'A revision of the Ancient Woodland Inventory for West Sussex (January 2010). Subsequently the site was identified as Ancient Woodland in the Crawley Borough Local Plan (2015-2030) (Policy ENV2)
 - Structural Landscaping (Policy CH7) of the Crawley Borough Local Plan (2015-2030)
 - The site is within the Built Up Area Boundary (Policy SD1)
 - The site is close to a Landscape Character Area: Tilgate/Worth Forest Rural Fringe (Policy CH9)
 - Gatwick Safeguarding Zone requiring Gatwick Airport Safeguarding and NATS to be consulted on proposal for the erection of more than three new dwellings and all other development.
 - There is one individual Tree Preservation Order on site, and a wider Tree Preservation Order area has been confirmed for the whole application site (PES 300 02/2018).

THE PROPOSED DEVELOPMENT:-

- 2.1 The application is for outline planning permission for the erection of a children's day nursery for 60 children and 18 staff. As the application is for Outline Planning Permission, the applicant requests that only access, layout and scale are assessed and all other matters are to be considered at the Reserved Matters stage.
- 2.2 A location plan, block plan, site layout, indicative plans, elevations sections and streetscenes have been submitted which illustrate the proposed layout, site access and indicative elevations of the proposed nursery. Amended plans have been received during the course of the application whereby the parking layout was amended, the location of the playgrounds were also moved from the northern and southern sides of the building, to the centre underneath a canopy to the rear of the building.

In support of the application, the applicant has submitted:

- Arboricultural assessment (amended 14/08/2018)
- Addendum arboricultural report (regarding Ancient Woodland)
- Design and Access Statement Rev 1 10/08/2018
- Ecological assessment dated 6th March 2018
- Flood Planning Map
- Investigation report into Historic file relevant to the status of woodland at Coronet Close, Crawley July 2018.
- Management Proposals 10th August 2018
- Noise Impact Assessment Rev B 13841-NIA-01 02/08/2018
- Open Space statement
- Planning statement Rev 1 10/08/2018
- Sustainability Statement 28/03/2018
- Topographic survey
- Transport Statement Rev A
- Travel Plan July 2018
- Road Safety Audit Report Issue 3 June 2018

PLANNING HISTORY:-

- 3.1 The most relevant planning history is as follows:

CR/2018/0128/OUT – OUTLINE APPLICATION (ACCESS, LAYOUT AND SCALE TO BE DETERMINED WITH APPEARANCE AND LANDSCAPING RESERVED) FOR 2NO. 3 BED SEMI-DETACHED DWELLINGS AND 3NO. 4 BED DETACHED DWELLINGS (AMENDED PLANS RECEIVED). **UNDER CONSIDERATION**

This application proposes alternative development within the current application site and is reported elsewhere on this committee agenda.

02/2018 – TREE PRESERVATION ORDER LAND PARCEL ADJ TO CORONET CLOSE, POUND HILL. **CONFIRMED 30TH JULY 2018**

This is a group TPO covering the entire application site

CR/2000/0358/FUL – ERECTION OF 24 TWO STOREY DWELLINGS

The applicant withdrew this application as objections to the principle of the development on the site for a residential scheme were raised by Natural England and the Forest Commission. It was stated in letters

dated 31st November 2000 from the Forestry Commission Woodland Officer and a letter dated 26th October 2000 from English Nature that the site was designated as Ancient Woodland.

- 3.2 An Enforcement complaint was received on 13th February 2018 from residents in the local area alerting the Council that the trees within Burleys Wood had been felled. Following a site visit by the Arboricultural and Enforcement Officers at approximately 11:00 a.m. a woodland TPO was served on the site.
- 3.3 The Forestry Commission was informed of the tree felling and have undertaken its own investigations. It was established that the trees were felled on the land without a felling license being obtained under the provisions of the Forestry Act 1967. A restocking notice was subsequently served on 25/07/2018. This requires that before 30th June 2019 the felled area must be restocked with broadleaf species to achieve no less than 1,600 equally spaced stems per hectare. This equates to 240 trees at this site. The trees must not be planted closer than 7 metres to the boundary of any residential property.
- 3.4 Several planning applications have been submitted in the surrounding area which make reference to the application site. The most relevant are:

Land off Byerley Way, Pound Hill (Now known as Coronet Close)

CR/290/86 – Erection of 12 houses. Permitted.

Within this 1986 application, the current application site is identified outside of the application site for a school. However correspondence between the Planning Officer and agent state that there are no approved plans and a school scheme may never be carried out.

Site 4, Crabbet Park, Pound hill

WP/36/81 – Erection of 70 homes with garages. Permitted.

Phase 4, Crabbet Park, Pound Hill Crawley

WP/123/79 – Erection of 151 Houses with associated estate roads and sewers. Permitted.

Crabbet Park, Pound Hill

WP/98/75 – Approval to details reserved in conditions 8 and 9 of WP/55/74. Permitted.

This application highlights sites for community use.

Crabbet park, Bounded by the A264, B2036/A264, Turners Hill Road and the M23, Pound Hill

WP/55/74 – Outline application for erection of one, two and three storey houses at average density of 10 dwellings/acre together with estate roads and sewers, primary school and public open space provision. Permitted.

Within this application drawings identify the current application site as a potential location for a school. It is of note that planning permission was not granted for a school on this site, and a condition was attached (Condition 13) that “no residential development shall be permitted on an area of 2.5 acres which shall be made available for a 2 form entry primary school in such a location shall have been approved by the Local Planning Authority.

There have been no subsequent reserved matters or full applications submitted for the proposed school and this element of the proposal has therefore expired. The identification of the site as potentially suitable for a school in 1974 is no longer valid and there has never been a planning permission for such development.

PLANNING POLICY:-

4.1 National Planning Policy Framework (2018):

The National Planning Policy Framework (NPPF) published in 2018 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

- Section 2 – Sustainable Development – This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective- to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.
- Section 8 – Promoting healthy and safe communities – this section discusses the importance of achieving healthy, inclusive and safe places which promote social interaction, are safe and accessible and support healthy lifestyles.
 - Paragraph 92 states that planning decisions should provide social, recreational and cultural facilities and services, and decision should:
 - a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
 - Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality.
- Section 9 – Promoting sustainable transport – this section states that opportunities to promote walking, cycling and public transport use should be pursued.
- Section 11 – Making effective use of land – this section promotes 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use of possible of previously-developed or 'brownfield' land.
 - Paragraph 118 (b) states that planning decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
- 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. Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value and soils.
 - Paragraph 175 states that to protect and enhance biodiversity when determining applications local planning authorities should apply the following principles:
 - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated or as a last resort compensated for then planning permission should be refused.
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. For example exceptional reasons would include infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat.
 - Paragraph 180 states that planning decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

4.2 Crawley Borough Local Plan 2015-2030 (Adopted December 2015):

- Policy SD1 (Presumption in Favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features. Higher density development may be compatible with existing neighbourhood structure.
- Policy CH2 (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3 (Normal Requirements of All Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site. Retain individual groups of trees that contribute positively to the area and allow sufficient space for trees to reach maturity. Sufficient space should also be provided in private

gardens that would not be overshadowed by tree canopies; and proposals should ensure that rooms within buildings would receive adequate daylight.

- Policy CH6 (Tree Planting and Replacement Standards) states where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies.
- Policy CH7 (Structural Landscaping) states that areas of soft landscaping that make an important contribution to the town and its neighbourhoods, in terms of character and appearance, structure, screening or softening, have been identified on the Local Plan Map. Development that affects this role should demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping where appropriate.
- Policy ENV1 (Green Infrastructure) Crawley's multi-functional green infrastructure network will be conserved and enhanced through the following measures. Development which protects and enhances green infrastructure will be supported. Development proposals should take a positive approach to designing green infrastructure utilising the Council's supplementary planning documents to integrate and enhance the green infrastructure network. Proposals which reduce, block or harm the functions of green infrastructure will be required to be adequately justified, and mitigate against any loss or impact or, as a last resort, compensate to ensure the integrity of the green infrastructure network is maintained.
- Policy ENV2 (Biodiversity) states that all development proposals will be expected to incorporate features to encourage biodiversity where appropriate and where possible enhance existing features of nature conservation value within and around the development. Planning permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of, the development in that location clearly outweigh the loss. A buffer zone between the development and ancient woodland would be required in line with Natural England Standing Advice. Proposals which would result in significant harm to biodiversity will be refused unless this can be avoided by locating on an alternative site with less harmful impact or the harm can be adequately mitigated or at last resort compensated for.
- Policy ENV4 (Open Space, Sport and Recreation) Proposals that remove or affect the continued use of existing open space will not be permitted unless an assessment of the needs for open space clearly show the site to be a surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- Policy ENV5 (Provision of Open Space and Recreational Facilities) The impact of the increased population from residential development on open space and recreational facilities across the borough will be mitigated by the use of the Community Infrastructure Levy which will be used to enhance existing areas of open space. This Policy requires development to make provision for open space and recreational facilities.
- Policy ENV6 (Sustainable Design and Construction) in order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations and demonstrate carbon saving and water efficiency measures.
- Policy ENV 8 (Development and Flood Risk) Development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere.

- Policy ENV9 (Tackling Water Stress) for non-residential development, where technically feasible and viable development should meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits. Should BREEAM be replaced, or any national standards increased then this requirement will be replaced by any tighter standard appropriate to an area of serious water stress.
- Policy ENV11 (Development and Noise) People's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Noise sensitive uses proposed in areas that are exposed to significant noise from existing or future industrial, commercial or transport (air, road, rail and mixed) 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 will be made acceptable.
- Policy IN1 (Infrastructure Provision) Development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- Policy IN4 (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is being assessed against the borough council's car and cycle parking standards.
- Policy IN5 (The Location and provision of New infrastructure) The Council will support the provision of new or improved Infrastructure in appropriate locations where the facilities are required to support development or where they add to the range and quality of facilities in the town. Local community facilities should be located close to neighbourhood centres.

4.3 Supplementary Planning Documents

The Supplementary Planning Documents are non-statutory documents which supplement the policies of the Local Plan. Those applicable to this application are:

Urban Design SPD 2016:

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 includes the Crawley Borough Parking Standards which are minimum standards for Children's Nurseries which is assessed individually using 1 space per 2 staff as a guidance with provision for dropping off.

Green Infrastructure SPD 2016:

Sets out the Council's approach to trees, open space and biodiversity. It includes the justification and calculations for open space, sport and recreation provision under Policies ENV4 and ENV5 and for tree replacement under Policy CH6.

Planning and Climate Change SPD 2016:

Planning and Climate Change (adopted October 2016) – Sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, , tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport. (Policies ENV6, ENV7, ENV8, ENV9, and IN3).

PLANNING CONSIDERATIONS:-

The main considerations in the determination of this application are:

- The principle of the loss of Ancient Woodland and Structural Landscaping
- The principle of the loss of Open Space
- The principle of the development of the site for a children's day nursery
- The layout, design and appearance of the proposal and its impact on visual amenity
- Impact upon neighbouring properties and amenities and noise
- Impact on Highways and Parking Provision
- Impact of drainage and increased flood risk
- Sustainability

The principle of the loss of Ancient Woodland and Structural Landscaping

- 5.1 One of the key planning considerations in the determination of this application is the loss of Ancient Woodland and Structural Landscaping.
- 5.2 Natural England and the Forestry Commission define Ancient Woodland as an area that has been wooded continuously since at least 1600 AD. Ancient Woodland is divided into ancient semi-natural woodland and plantations on Ancient Woodland sites. Both types of stand are classed as Ancient woods.'
- 5.3 This definition is also reaffirmed in the recently published NPPF (2018) which describes Ancient Woodlands as "an area that has been wooded continuously since at least 1600 AD. It includes Ancient Semi-Natural Woodland and plantations of Ancient Woodland sites (PAWS)."
- 5.4 The Natural England inventory identifies Ancient Woodland sites in England and was initially compiled in the 1980s. It is an evidence-based tool for the conservation of Ancient Woodland. The inventory for West Sussex was first produced in 1984, and a new inventory revision began in 2004 expanding across the South-East region. The application site is identified within the Revision of Ancient Woodland Inventory for West Sussex (2010) as a Semi-natural Ancient Woodland. The trees and shrubs in a Semi-Natural Ancient Woodland may have been felled or cut for coppice at various times since 1600 but, as long as the area has remained as woodland, then it still qualifies for the designation.
- 5.5 Historical mapping shows that the site has been wooded since at least the late 18th Century, when it formed part of the Crabbet Park Estate. Likewise historic aerial images also show that the site as entirely wooded in 1947. The application site was partially cleared during the late 1960's and early 1970's when the residential estate was being built, with some vegetation/trees remaining along the eastern and southern sides of the site. However no development of the site took place, and trees quickly re-established on the site. As a result, by 1981, the application site was entirely covered in trees and wooded again, until the recent clearance of the site in February 2018.
- 5.6 The Forestry Commission within their Standing Advice states that the trees within a Semi-Natural Ancient Woodland may have been felled at various times since the 1600s, however they would still remain Ancient Woodland up until the soils have been removed or significantly changed in content. Similarly wooded continuously does not mean there has been continuous tree cover across the whole site. Not all trees in the woodland need to be old, as open space (both temporary and permanent) are important components of Ancient Woodland. The Natural England and Forestry Commission Standing Advice confirms that the existing condition of the Ancient Woodland (if this is

poor) should not be taken as a factor in favour of the development proposal, as its condition can often be improved with good management proposals.

- 5.7 The Council's Ecology Consultant has confirmed that the soils, associated organisms, seeds and bulbs are a critical part of the Ancient Woodland, and even where there has been felling of trees and disturbance of soils, regeneration is still possible. As highlighted above the site was partly cleared in the late 1960s/early 1970s, however trees quickly re-established on the site. Likewise, since the clearance of the site in February 2018, saplings have grown significantly from seeds within the ancient soil and the stumps of felled trees. The site still has significant ecological value and it should be reaffirmed that despite the site being cleared prior to the planning application being submitted, the value of the Ancient Woodland remains a critical factor in the decision making process.
- 5.8 Policy ENV2 is the primary Local Plan Policy in determining whether the principle of development should be considered favourably on an Ancient Woodland site. It clearly states that all development proposals will be expected to incorporate features to encourage biodiversity where appropriate and where possible enhance existing features of nature conservation value within and around the development. To ensure a net gain in biodiversity, Ancient Woodland sites will be conserved and enhanced where possible and the council will support their designation and management. Notably, permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of the development in that location clearly outweigh the loss.
- 5.9 Policy SD1 states that in accordance with the presumption in favour of sustainable development, development will be supported where it meets the strategic objectives, including that protects, enhances and creates opportunities for Crawley's unique Green Infrastructure. As highlighted above Paragraph 3.4 of the Crawley Borough Local Plan confirms that Ancient Woodland areas are some of the sites with the strongest weight against development.
- 5.10 In addition to Policy ENV2, the recently published revised NPPF (2018) has increased the weight afforded to the protection of Ancient Woodland. It is now included in the definition of an irreplaceable habitat (those which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed). In addition Paragraph 175 (c) confirms that development resulting in the loss or deterioration of these habitats, and which explicitly refers to Ancient Woodland, should be refused unless there are wholly exceptional reasons for development. Stated examples of this include nationally significant infrastructure projects, and a suitable compensation strategy exists.
- 5.11 Strong objections to the development of the site have been received from the Forestry Commission, Natural England, the Council's Ecological Consultant and the Council's Arboricultural Officer, as the clearing of the site has resulted in the significant loss of flora and detrimentally impacted the complex community of fauna, fungi and other micro-organisms
- 5.12 The Ecological Report submitted as part of the application suggests that the classification of the site as Ancient Woodland is inaccurate. The Ecological Survey completed on 16th February 2018 states that the site had recently been cleared and as such was dominated by bare ground, therefore only a few plant species remained and the remaining stumps and felled timber were of limited age. Likewise the Tree Report (dated 26th March 2018) identified that two trees and two groups of trees were present when the tree survey was carried out on 5th March 2018, and that the trees on site were all immature or semi-mature specimens. Although the Addendum Arboricultural Report and Investigation in to Historic Files (July 2018) discusses the designation of the site as Ancient Woodland, any challenge to the site's designation is not part of the consideration of this planning application. As highlighted to the agent on 15th May 2018, if the applicant or agent wishes to

challenge the Burleys Wood designation then they would need to provide evidence to support their position directly to Natural England.

- 5.13 It has been highlighted by the Ecological Officer that the site may well have supported legally protected species or those that are otherwise of conservation concern. A video submitted as part of a neighbour representation (footage recorded 15/7/2018 and 17/8/2018 from the rear garden of No. 1 Sedgefield Close) shows bats flying over the site. Given that the Ecological Survey conducted by AAe Environmental Consultants was undertaken on 16th February 2018 after the site had been cleared, it is not considered that sufficient information has been submitted to substantiate the conclusion of the Ecological Report dated 6th March 2018 that there was no evidence of protected species.
- 5.14 There are major concerns with the accuracy and thoroughness of the submitted Arboricultural Report. The survey was carried out on the 5th March 2018 after the site had been cleared on 13th February 2018. The report concluded that the proposal does not require the removal of any trees, and no pruning work is required to facilitate the proposed development. It should be noted that the Ancient Woodland had already been cleared prior to this date, therefore trees were felled to facilitate the proposed development. The Forestry Commission has identified that a felling license was required and on 25th July 2018 issued a restocking notice for the site.
- 5.15 The Natural England and Forestry Commission refer to the 'Standing Advice for Ancient Woodland and Trees,' which states that "as Ancient Woodland and veteran trees are irreplaceable, discussion of compensation should not form part of the assessment of the merits of the development proposal". The information submitted alongside the application within the 'Management Proposal' states that it is intended to protect and enhance the remaining woodland to the east of the proposed development site by improving its wildlife, amenity and recreational value. The applicant has also indicated its intention to carry out significant work to the woodland to improve its condition which would include constructing new footpaths through the woodland to the east to better serve the surrounding residents, and replanting trees in the remaining area of woodland. Although this could be an amenity benefit for local residents, it does not mitigate the ecological loss of Ancient Woodland, and is not considered to be an exceptional reason for developing the site, given its national designation and ecological value as an important natural habitat.
- 5.16 Local Plan Policy CH6 aims to ensure that all felled trees are replaced. Given the comments received from our Ecological Officer, Arboriculturalist, Natural England and the Forestry Commission, the proposed management scheme would not mitigate the felling of the many trees on the application site. It is considered that the restoration of the applicant site as woodland would be the only suitable remedy given the importance of the site and scale of the recent felling.
- 5.17 The Natural England and Forestry Commission Standing Advice also requires any development close to Ancient Woodland to include a minimum 15m buffer zone of semi-natural habitat between the development and Ancient Woodland, as well as connecting woodland that would be separated by development with green bridges or tunnels. Although Officers do not accept the loss of Ancient Woodland on site, even if the loss of Ancient Woodland was acceptable, an appropriate buffer zone has not been included from the remaining area of Ancient Woodland to the east or the south-west. Such a buffer zone would significantly reduce the width of the site if provided.
- 5.18 The application site also makes a significant contribution to the amenity of the local area, and is still an important green space within the neighbourhood of Pound Hill. It is an important space for flora and fauna, and a natural barrier to the M23 motorway to the east. This is formally recognised within the Local Plan as the site is designated as Structural Landscaping, therefore Policy CH7 applies.

- 5.19 This policy confirms that development proposals that affect the site's role in contributing to the character, appearance, structure, screening or softening of the town and neighbourhood should demonstrate the visual impact of the proposal and should protect and/or enhance the structural landscaping. As this is an Outline Application, information has not been submitted in regards to landscaping, beyond the suggestion in the Design and Access Statement that "the general intention...to protect, retain and enhance the adjoining woodland to provide an attractive setting for new development" and that "small scale informal planting will be provided to each of the individual plots". The site has recently been cleared which has significantly changed the character and visual appearance of the site in the short term. This has harmed the Structural Landscaping, and it is not considered from the information submitted that the proposal would protect and/or enhance the Structural Landscaping. The loss of this substantial area of Structural Landscaping has not been justified, and the development of the site would result in the loss of an important recovering landscape feature and green space within the dense residential estate.
- 5.20 Until early 2018 the application site was a significant undeveloped tree covered area which provided a landscaped backdrop to the nearby residential estate. The Arboricultural Officer raises an objection in principle to the development of the site, highlighting the amenity value of the site and its historic significance as an area of Ancient Woodland. The importance of the woodland and the amenity provided has been confirmed in the recent Tree Protection Order which covers the application site (02/2018). Similarly concerns were raised by neighbours in regards to the significant loss of trees and the impact on the amenity of the area. The trees on the site were visible from the nearby roads and the most mature specimens above the top of the nearby houses. The loss of the trees on the site has detrimentally impacted the visual amenity of the surrounding area. The substantial value attributed to the site by local residents and their concerns about the proposal should be given significant weight in determining this application.
- 5.21 Overall the site is not deemed to be suitable for any form of development as it would result in the loss of an important Ancient Woodland and an area of Structural Landscaping. The site is an important Ancient Woodland with a significant biodiversity and ecological value and it is not considered that there are wholly exceptional reasons for developing the site. Development would result in the loss of a very important natural habitat and would be contrary to Local Plan Policies SD1, CH2, CH3, CH6 CH7, ENV1, ENV2 and the National Planning Policy Framework (2018).

The principle of the loss of open space

- 5.22 The application site is also an important open space within the dense residential area of Pound Hill. Policies ENV1 and ENV4 relate to the consideration of principle development on the site and the loss of open space. Policy ENV1 states that Crawley's multi-functional green infrastructure network will be conserved and enhanced, and proposals which reduce, block or harm the functions of green infrastructure will be required to be adequately justified and mitigate against any loss of impact, or as a last resort compensate, to ensure the integrity of the green infrastructure network is maintained. Policy ENV4 confirms that proposals that remove existing open space will not be permitted unless the Open Space Assessment clearly shows the site to be surplus to requirements, or the loss will be replaced with equivalent or better provision, in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreation (where the needs for which clearly outweigh the loss).
- 5.23 The proposal includes maintaining open access to the area of woodland to the east which is owned by the applicant, in order to better serve the surrounding residents (Planning Statement Rev and Management Proposals Report).

- 5.24 The Crawley Open Space, Sport and Recreation Study (2014) prepared to support the Local Plan preparation and examination confirms that by 2030 Pound Hill neighbourhood will be deficient against all of the open space typology standards, including 'Natural Green Space'. It is noted that the application site and the adjacent area of woodland (which are both under the same ownership by the applicant) were included in this study. The 2014 study recommends that any proposed development within the neighbourhood should provide new open space in line with the recommended standards as part of the development proposals. Given the deficiency of open space in Pound Hill, it is considered that development of the site would worsen the situation in relation to the quantity open space. Likewise while public access and long term management and maintenance for the purposes of recreation and biodiversity would be welcomed, it would not offset the loss of an irreplaceable Ancient Woodland site and important open space.
- 5.25 This issue has also been highlighted within comments received from neighbours during the consultation period, whereby the loss of green space would detrimentally impact the health and wellbeing of the community, and would adversely impact the character of the area.
- 5.26 Overall it is considered that the proposal would involve the loss of an important open space in an area which is expected to be deficient of such space by 2030. The proposed development of the site would adversely affect the amenity enjoyed by local residents and the character of the area, contrary to Policies CH3, ENV1, and ENV4 of the Crawley Borough Local Plan (2015-2030), and the National Planning Policy Framework (2018).

The principle of the development of the site for a children's day nursery

- 5.27 The proposal would seek to provide a children's day nursery to accommodate 60 children and 18 staff with associated parking.
- 5.28 In regards to the principle of the development of the site for a nursery, the NPPF (2018) objectives seek to provide social, recreational and cultural facilities and services the community needs, however Paragraph 175 (c) of the NPPF (2018) strongly affirms that:
- Development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists.*
- 5.29 Likewise Policy ENV2 of the Crawley Borough Local Plan confirms that permission will not be granted for development that results in the loss or deterioration of Ancient Woodland, unless the need for and benefits, of the development in that location clearly outweigh the loss.
- 5.30 When considering whether the need for, and benefits of the proposal for a children's day nursery clearly outweighs the loss of the Ancient Woodland, Policy IN5 of the Crawley Borough Local Plan is applicable. This policy confirms that Council will support the provision of new or improved infrastructure in appropriate locations where the facilities are required to support development of will add to the range and quality of facilities in the town. As a local community facility such as a children's day nursery, the policy further suggests that these should be located close to neighbourhood centres.
- 5.31 Although the application site is located close to the Shire Parade neighbourhood centre. The site is not allocated for development within the Crawley Local Plan. There was no need identified for such a facility in the Infrastructure Delivery Plan, which accompanied the preparation of the Local Plan, nor has it been subsequently identified as a critical infrastructure need through the Community

Infrastructure Levy Regulation 123 list. In addition within the submitted information there is no justification provided as to why there is a critical need for a nursery in this location.

- 5.32 Although outline planning permission was granted in 1974 for the Crabbet Estate (WP/55/74) which identified the site as a possible strategic location for a primary school, a condition was attached, stating “no residential development shall be permitted on an area of 2.5 acres which shall be made available for a 2 form entry primary school in such a location shall have been approved by the Local Planning Authority.” No such development has taken place, and there have been no subsequent Reserved Matters or planning applications submitted or approved covering the application site and there is no extant planning permission to develop it. As a result the identification of the site as potentially suitable in 1974 is no longer relevant, particularly as the site has since been formally designated as Ancient Woodland in 2010 and designated as Structural Landscaping in the Crawley Borough Local Plan (2015-2030). The claim therefore from the applicant that the site is previously developed land is totally unsubstantiated and Officers consider this to be a greenfield site.
- 5.33 Overall it is considered that the principle of the development of the site and erection of a children’s day nursery is unacceptable. The site is not allocated for development and there is no demonstrable critical need for a children’s day nursery in this location. The proposal would result in the loss of a valuable area of Ancient Woodland and it is not considered that there are exceptional circumstances to consider development of the site for a children’s nursery would be acceptable. As a result the proposal would be contrary to Local and National Policies, including Policies SD1, CH1, CH2, CH3 and IN5 of the Crawley Borough Local Plan (2015-2030), and Paragraph 175 (c) of the National Planning Policy Framework (2018).

The layout, design and appearance of the proposal and its impact on visual amenity

- 5.34 The application site is located to the east of No. 2, 3 and 4, and south of Nos 2, 4 and 6 Byerley Way and north of 11 Sedgfield. The surrounding area is higher-density residential development, characterised by a range of modest detached, semi-detached and terraced dwellings. The properties along the southern side of Coronet Close are semi-detached with detached properties to the north and north-west.
- 5.35 Policy CH2 (Principles of Good Urban Design) of the Crawley Borough Local Plan (2015-2030) states that all development proposals should respond to and reinforce local distinctive patterns of development and landscape character. Policy CH3 (Normal Requirements of All New Development) of the Crawley Borough Local Plan (2015-2030) requests that all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design and should relate sympathetically to their surroundings in terms of scale, density and layout. They should also retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- 5.36 The proposed nursery building would be single storey. The footprint would be H shaped with two projecting ends on the front and rear elevations, and an indicative glazed canopy between them, which would create a covered playground area. The nursery building would have a total footprint of 437.2 sqm, and would measure 34.5m in width, and 18m in length. The nursery building would be located 0.8m from the eastern boundary (which is adjacent to the remaining area of Ancient Woodland), 16.8m from the southern boundary, 13.5m from the western boundary and 7.8m from the northern boundary of the site.
- 5.37 Parking would be provided for drop-off and staff in front of the building, a refuse enclosure, and cycle store would be located on the southern side of the building. A buggy store would be provided

on the northern side of the main entrance underneath a roof canopy which would extend from the main roof.

- 5.38 The building would be of a significant footprint filling almost the entirety of the site with only a gap of 0.8m between the building and the eastern side boundary of the site. Although the building would only be single storey, when viewed from the west on Coronet Close the building would appear to fill almost the entirety of the site due to its significant width. Although appearance is a reserved matter, from the indicative drawings it is evident that the proposal would significantly change the appearance of the site, with very limited soft landscaping and instead a proliferation of hardstanding and buildings a significant contrast to the current woodland site, and would result in the site feeling overly developed and cramped with limited space between the proposal, the adjacent woodland and neighbouring residential properties.
- 5.39 Although Officers do not accept the loss of Ancient Woodland on site, The Natural England and Forestry Commission Standing advice states that developers should look for ways to avoid the development affecting Ancient Woodland or veteran trees. A minimum 15m buffer zone should be included to act as a semi-natural habitat between the development and the Ancient Woodland. Even if the loss of Ancient Woodland was considered to be acceptable on this site, the required buffer zone has not been shown in the proposed layout, and if provided it would reduce the developable area of the site by almost half, and the space for the nursery building would be reduced significantly.
- 5.40 Overall, it is considered that the siting, scale and size of the proposed nursery would appear overly cramped, resulting almost the entirety of the site being built upon. The proposed building would be located only 0.8m from the adjacent woodland, with no mitigation buffer strip. The proposal would fail to accord with the policies contained within the Crawley Borough Local Plan (2015-2030), the Urban Design SPD (2016), the Natural England and Forestry Commission Standing Advice, or the NPPF (2018).

Impact upon neighbouring properties and amenities and noise

- 5.41 In terms of impact on neighbour amenity, Nos. 1, 2 and Coronet Close, Nos. 2, 4 and 6 Byerley Way and No. 11 Sedgefield are the residential properties most affected as they adjoin the application site. The Urban Design SPD provide specific guidance in regards to impact on residential amenity, although the guidance is primarily for residential extensions and new dwellings, given that there are surrounding residential properties it is considered appropriate to ensure that the proposal accords with this guidance.
- 5.42 The building would be located 7.8m from the northern boundary of the site, 19m from the rear elevation of the Nos. 4 and 6 Byerley Way and 17m from the rear elevation of No. 2 Byerley Way. There would be a gap of 21m between the rear elevation of No. 1 Coronet Close and 24m between the rear elevation of No. 2 Coronet Close and the front elevation of the nursery. A gap of 20.5m would be retained between the side elevation of No. 11 Sedgefield and the southern elevation of the nursery, likewise there is also a level change whereby No. 11 Sedgefield is positioned higher than the application site, as a section drawing has not been provided the exact height difference is unknown. Given that the nursery building would be single storey it is not considered to have a significant overbearing or overlooking impact on the amenity enjoyed by the occupants of Nos. 2, 4, or 6 Byerley Way located to the north of the application site, Nos 1, 2 or 3 Coronet Close located to the east of the application site, or No. 11 Sedgefield Close located to the south of the application site.
- 5.43 Local Plan Policy ENV11 states that noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive receptors will not be exposed to noise impact that

will adversely affect the amenity of existing and future users. Similarly Paragraph 180 of the NPPF (2018) states that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 5.44 An objection has been received from Environmental Health in regards to the impact of the proposed development and its use on neighbouring properties. A noise assessment was requested as there is likely to be increased noise, nuisance and disturbance generated by the proposed development given that there could potentially be 60 children on the site.
- 5.45 The layout of the proposed nursery building has been amended, whereby the main play areas have been moved from the northern and southern ends of the building to the centre of the building under a glazed canopy, it is of note that there would still be some space on the northern and southern side of the building which could be used for play space in the future. Comments have been received from Environmental Health on the submitted noise assessment and revised layout. An objection is still raised, as there are a number of concerns with the proposed development, and the data provided within the report. There is no indication within the applicants report to advise where the noise equipment was set up in relation to the sample nursery setting, nor are any details provided on the location, measurement period and activities of the children. The noise report bases its assessment on only 30 children. However the proposal could potentially accommodate up to 60 children (as identified in the Planning Statement), who during periods of play could generate significant levels of noise, which could detrimentally impact the amenity for surrounding residents. Although a restricted access to the play area is proposed by the applicant between 09:00-16:30 for only 20 children at any one time, Environmental Health has commented that this would still be a significant potential noise source which would impact surrounding residents.
- 5.46 In regards to noise from vehicles and car park activity, the report addresses the peak period between 08:00-0900, yet fails to consider other potential peak periods, for example at lunch time (whereby it is likely there would be a session change over point from children only attending mornings/afternoons) and at collecting times which are likely to be between 16:30-18:00. As a result there are in fact three busy periods during the day, which are likely to result in increased noise and disturbance for those living in the vicinity. Environmental Health have commented that the suggestion of 30 arrivals and departures is somewhat conservative given that site could accommodate 18 staff and 60 children. Although some acoustic screening is proposed, the nearby residents are still likely to experience unreasonable levels of traffic noise and disturbance. Particularly as Coronet Close is a cul-de-sac therefore each vehicle would pass each Coronet Close house twice per visit.
- 5.47 Despite the buildings itself not having any significant impact in terms of overbearing impact, overlooking or loss of light on the surrounding residents, the proposed use would have an adverse detrimental impact on the amenity enjoyed by the residents of the surrounding area. There are significant concerns regarding the noise and nuisance that could be generated by the site, which is proposed to accommodate 60 children, and the applicant has failed to demonstrate that this could be satisfactory mitigated. In addition the arrivals and departures of the children and staff is also likely to give rise to further unreasonable levels of noise and disturbance. As a result the proposal is considered to be contrary to Policy CH3, and ENV11 of the Crawley Borough Local Plan (2015-2030), and Paragraph 180 of the NPPF (2018).

Impact on Highways and Parking Provision

- 5.48 A key issue is whether there would be an impact on highway safety and whether there would be sufficient onsite vehicular and cycle parking to meet the demands and operational requirements of the proposed nursery. Policy CH3 'Normal Requirements of All New Development' states that all proposal for development will be required to meet the requirements necessary for their safe and proper use, in particularly access, circulation and manoeuvring. Policy IN3 'Development and requirements for sustainable transport' states that developments should meet the access needs they generate and not cause an unacceptable impact in terms of increased traffic congestion or highway safety. Policy IN4 'Car and cycle parking standards' states that development will only be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs.
- 5.49 Access to the development would be provided from the eastern end of Coronet Close, which is a narrow residential cul-de-sac serving 12 dwellings. Although many of the houses have driveways, the proliferation of dropped kerbs mean there is limited street-parking availability. As a result there is often no on-street parking available. The proposed access road to the site would lead into a parking area, which would be positioned in front of the nursery building. The parking area would extend almost the entire length of the site.
- 5.50 Initial comments from West Sussex County Council Highways requested a Stage 1 Road Safety Audit (RSA) for the site access, and additional information on parking and a Travel Plan. An RSA was subsequently submitted and WSCC Highways were re-consulted. On 09/07/2018 it was confirmed that the RSA was sufficient. The new access road would measure 5.7m in width. This is considered to be sufficient to allow two vehicles to safely pass one another. It has been demonstrated that cars and larger vehicles such as refuse collection vehicles would be able to safely turn within the parking area, and that deliveries will be organised to avoid peak drop off/pick up times. Overall the WSCC Highways have raised no objection to the proposal on highway safety grounds for deliveries and refuse collection.
- 5.51 Despite this, given the scale of the proposal, the use of this narrow cul-de-sac would be intensified. Coronet Close was never intended to be used to serve a day nursery, and comments submitted by neighbours have raised the impact the proposal would have on the surrounding roads. The proposal would result in a significant increase of vehicular movements, particularly due to the number of children and staff that could be arriving each day and leaving each night. This would detrimentally impact the residents of Coronet Close and also the surrounding roads as it is likely that Byerley Way would also be used for drop off parking.
- 5.52 Policy IN4 states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meets its needs when assessed against the Borough Council's car and cycle parking standards. The Crawley Borough Parking Standards as set out in the Urban Design SPD would require 1 space per 2 staff as a guide, with provision for dropping off. Nine staff parking spaces are shown on the site layout (which is in accordance with the parking standards), and six drop off spaces for parents. Very limited parking would be provided for parent dropping off children. As 60 children could be attending the nursery it is likely that the surrounding roads would be used for drop off parking, and it would further reduce the available parking for residents of the area at peak times.
- 5.53 In regards to cycle parking, although there are no specific cycle parking standards for children nurseries, the most appropriate standards would be those for D2 use, which require 1 space to be provided for every 4 members of staff, and visitor cycle parking to be assessed individually. It is important that adequate cycle parking provision is provided for staff and parents using the site.

Following the comments from WSCC Highways who highlighted that the initial cycle parking provision was insufficient (comments 30/07/2018) an additional 3 spaces have been provided, as a result 6 cycle parking spaces would be provided on site. It is considered on balance that this provision would be adequate, however this should also be monitored through the Travel Plan.

- 5.54 To conclude on this issue, despite adequate onsite staff parking being provided to meet the requirements of the Crawley Borough Parking Standards, the number of drop-off spaces is not considered to be adequate and would increase traffic and demand for on-street parking spaces in the surrounding area to the detriment of the amenity of surrounding residential properties. In regards to cycle parking only six spaces would be provided, it is considered that a condition could be attached to review this provision if the scheme was considered to be acceptable. For the reasons above the proposed development would fail to accord with Policies CH3, IN3 and IN4 of the Crawley Borough Local Plan (2015-2030).

Impact of drainage and increased flood risk

- 5.55 In regards to the drainage impacts of the change of use and potential increased flood risk, comments have been received from neighbours stating that since the removal of the trees, the site has become significantly more waterlogged. The Drainage Officer has been consulted and states that although the proposal has substantially changed the use of the site, it does not lie within a Flood Zone. Therefore a flood risk assessment is not required. However the proposal would involve a significant change of use of the site and would include a large area of hardstanding. If the scheme was considered to be acceptable a condition could be attached to ensure that runoff from the site will be no greater than the existing rate.

Sustainability

- 5.56 Policies ENV6 and ENV9 of the Crawley Borough Local Plan are relevant to this proposal from the perspective of environmental sustainability. Policy ENV6 requires that applications involving the creation of 100sqm or more of internal floor space submit a Sustainability Statement detailing how the proposal will pursue the sustainability objectives set out in the policy. Policies ENV6 and ENV9 also require new non-residential building, where feasible and viable, to meet the minimum requirements for BREEAM 'excellent' in the Energy and Water categories. A Sustainability Statement has been submitted however does not address the requirements of Policies ENV6 and ENV9, therefore it has not been possible to assess the proposal in regards to these requirements, it is considered appropriate that additional information could be requested via condition if the scheme was approved.

Provision of Infrastructure Contributions

- 5.57 Policy CH6 states that where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of tree canopies. The proposal has involved the clearance of the site, however there is no accurate information as to exact number of trees that have been felled. Following comments from Forward Planning, the Ecology Officer and Arboricultural Officer that the only appropriate mitigation would be to replant the woodland, as the principle of the loss of Ancient Woodland is not considered to be acceptable.

CONCLUSIONS:-

- 6.1 The application is for outline permission to consider access, layout and scale at this stage, (with appearance, and landscaping to be reserved) for the erection of a children's day nursery catering for up to 60 children and 18 staff. The application site is designated as Ancient Woodland and forms part of the wider Burleys Wood area, and is also designated as Structural Landscaping in Local Plan Policy CH7.
- 6.2 The main planning considerations in the determination of this application are the loss of Ancient Woodland, Structural Landscaping and open space and its development for day nursery use. The loss of the Ancient Woodland would be contrary to the objectives of Policy ENV2 which commits to protecting biodiversity and states that planning permission will not be granted for development that results in the loss or deterioration of Ancient Woodland unless the need for and benefits of the development in that location clearly outweigh the loss. Similarly the proposal would be contrary to paragraph 175 (c) of the NPPF (2018) which has a related aim to protect and enhance biodiversity and reaffirms that development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland) should be refused unless there are wholly exceptional reasons. The development of the site would result in the loss of an important area of Ancient Woodland which has a significant biodiversity and ecological value. The proposal would also result in the loss of an area of Structural Landscaping which makes a significant contribution to the character and visual amenity of the residential area.
- 6.3 The development of the site would result in the loss of an important open space in Pound Hill, which by 2030 is expected to be deficient of such space (Crawley Open Space, Sport and Recreation Study 2014). The loss of the open space would detrimentally impact the local resident's quality of life and the environment in which they live. The proposed mitigation and management proposal is also not considered to adequately address the requirement for replacement open space provision under Policy ENV4.
- 6.4 The principle of development of the site for a children's day nursery is not considered to be acceptable. The site has not been allocated for development, and there is no demonstrable need for such a facility identified in the Infrastructure Delivery Plan, nor has a critical infrastructure need been identified through the Community Infrastructure Levy Regulation 123 List. As a result there are not considered to be exceptional circumstances which justify the loss of the Ancient Woodland for the development of the site for a children's day nursery.
- 6.5 The submitted layout would appear overly cramped with the proposed nursery building being located only 0.8m from the edge of the woodland to the east. The scale of the building and associated hardstanding would result in almost the entirety of the site being built upon, and would represent overdevelopment of the site. The building would fail to accord with the styles of properties/buildings within the vicinity. Although the loss of Ancient Woodland is not considered to be acceptable, the proposed development would be extremely close to the remaining Ancient Woodland and a 15m buffer zone has not been provided within the site layout to mitigate the impact on the Ancient Woodland to the east. It is also considered that insufficient evidence has been provided to substantiate the conclusion of the Ecological Report dated 6th March 2018 that there was no evidence of protected species on the site.
- 6.6 In regards to the operational requirements of the development, although adequate on-site staff parking would be provided, only six spaces would be available for parents to drop-off children. It is considered that this would increase demand for on-street parking spaces in the surrounding area, to the detriment of the amenity of surrounding residential properties.

- 6.7 The proposed development would accommodate up to 60 children and would give rise to unacceptable noise and nuisance which would detrimentally impact the amenity enjoyed by the occupants of nearby residential properties, and the noise from vehicles and car park activity during the three busy periods of the day would further increase the noise and disturbance for those living in the vicinity.
- 6.8 Therefore it is recommended to refuse outline planning permission for this application.

RECOMMENDATION RE: CR/2018/0242/OUT

REFUSE for the following reasons.

1. The proposal would result in the loss of an important Ancient Woodland site and an area of Structural Landscaping. The site has a significant biodiversity and ecological value, has a significant amenity value in the local area and there are not considered to be wholly exceptional reasons which justify the development of the site, contrary to Policies SD1, CH2, CH3, CH7, ENV1 and ENV2 of the Crawley Borough Local Plan (2015-2030) and the relevant sections of the National Planning Policy Framework (2018).
2. The development of the site would result in the loss of an important open space in Pound Hill, which by 2030 is expected to be deficient of such space. The loss of the open space would detrimentally impact the local resident's quality of life and the environment in which they live, contrary to Policies CH3 and ENV5 of the Crawley Borough Local Plan (2015-2030), the Green Infrastructure SPD (2016), and the NPPF (2018).
3. The principle of development of the site for a children's day nursery is not considered to be acceptable. The site has not been allocated for development, and there is no demonstrable need for such a facility identified in the Infrastructure Delivery Plan, nor has a critical infrastructure need been identified through the Community Infrastructure Levy Regulation 123 List. As a result there are not considered to be exceptional circumstances which justify the loss of the Ancient Woodland for the development of the site for a children's day nursery, contrary to Policies SD1, CH2, CH3 and IN5 of the Crawley Borough Local Plan (2015-2030) and the National Planning Policy Framework (2018).
4. The proposed development, by reason of its layout, building footprint and extensive car parking and hardstanding, would constitute overdevelopment of the site which would be harmful to the visual amenities and character of the area. The building would fail to accord with properties/buildings within the vicinity. It would therefore conflict with Policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030, the Urban Design SPD (2016) and the relevant paragraphs of the National Planning Policy Framework (2018).
5. The proposed nursery would have an adverse impact upon the amenities of the occupiers of neighbouring residential properties by virtue of noise and disturbance from the intensity of the use which could accommodate 60 children, with increased traffic and vehicular movements. The proposal would give rise to significant levels of noise and nuisance, and would be contrary to the Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030 and the National Planning Policy Framework (2018).
6. Notwithstanding the loss of Ancient Woodland is considered to be unacceptable in principle, the principle of development was considered to be acceptable the proposal by reason of its layout and close proximity to the area of Ancient Woodland to the east, would result in an unacceptable relationship with the trees and fails to include a 15m buffer zone to the Ancient Woodland, contrary to Policies CH2, CH3 and ENV2 of the Crawley Borough Local Plan 2015-2030 and the relevant paragraphs of the National Planning Policy Framework (2018).
7. Given the designation of the site as Ancient Woodland which is an important habitat for fauna, it is considered that it has not been demonstrated to the satisfaction of the Council that there are no legally protected species on the application site, contrary to Policies SD1 and ENV2 of the Crawley Borough

Local Plan 2015-2030, and the relevant paragraphs of the National Planning Policy Framework (2018).

8. Adequate drop-off space for vehicles cannot be made on site in a satisfactory manner to the standard required by the Local Planning Authority for the use of the site as a children's day nursery and it is therefore likely to create additional traffic and parking demands in this locality to the detriment of the amenity enjoyed by surrounding residential properties. The proposal therefore conflicts with Policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030 and Crawley Borough Park Standards contained within the Urban Design SPD (2016), and the National Planning Policy Framework (2018).

1. NPPF Statement

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

- Liaising with members/consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking amended plans/additional information to address identified issues during the course of the application.
- Informing the applicant of identified issues that are so fundamental that it has not been/would not be possible to negotiate a satisfactory way forward due to the harm that would be/has been caused.

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.

1. Given the designation of the site as Ancient Woodland which is an important habitat for fauna, it is considered that it has not been demonstrated to the satisfaction of the Council that there are no legally protected species on the application site, contrary to Policies SD1 and ENV2 of the Crawley Borough Local Plan 2015-2030, and the relevant paragraphs of the National Planning Policy Framework (2018).

