

**LOCATION:** [42 & 44 BRIGHTON ROAD, SOUTHGATE, CRAWLEY](#)  
**WARD:** Southgate  
**PROPOSAL:** OUTLINE APPLICATION (ACCESS AND LAYOUT TO BE DETERMINED WITH APPEARANCE, LANDSCAPING AND SCALE RESERVED) FOR THE ERECTION OF A PART 3 AND PART 4 STOREY BUILDING COMPRISING OF 5 X 1NO. BEDROOM FLATS AND 15 X 2NO. BEDROOM FLATS, FOLLOWING THE DEMOLITION OF EXISTING SEMI-DETACHED DWELLINGS, THE CREATION OF A NEW VEHICULAR ACCESS FROM STONEFIELD CLOSE AND ASSOCIATED WORKS AND LANDSCAPING (AMENDED PLANS RECEIVED).

**TARGET DECISION DATE:** 5 July 2019

**CASE OFFICER:** Ms Z. Brown

**APPLICANTS NAME:** Turnbull Land Ltd

**AGENTS NAME:**

**PLANS & DRAWINGS CONSIDERED:**

Drawing Number	Revision	Drawing Title
S18/6717/01		Topographical Survey
0268 P020		Location And Proposed Block Plan
0268 P021	A	Proposed Site Plan
0268 P023		Proposed 3rd Floor And Roof Plan
0268 P033		Schedule Of Accommodation
0268 P025		Proposed South Elevation
0268 P027		Proposed North Elevation
0268 P030		Proposed Section B B
0268 P028		Proposed South Streetscene Elevation
0268 P029		Proposed Section A A
0268 P024		Proposed West Elevation
0268 P032		Coloured Streetscene Elavation
0268 P031		Proposed Landscaping Plan
18-676-TPP		Tree Protection Plan
0268 P022	B	Proposed 1st And 2nd Floor Plan
0268 P026	C	Proposed East Elevation

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |     |                                            |                                                     |
|-----|--------------------------------------------|-----------------------------------------------------|
| 1.  | GAL Aerodrome Safeguarding                 | No objection, subject to conditions                 |
| 2.  | WSCC Highways                              | No objection, subject to conditions                 |
| 3.  | National Air Traffic Services (NATS)       | No objection                                        |
| 4.  | Thames Water                               | No objection, subject to condition                  |
| 5.  | Sussex Building Control Partnership        | No response received                                |
| 6.  | CBC Housing Enabling & Development Manager | Comments received in regards to viability appraisal |
| 7.  | CBC Planning Arboricultural Officer        | No objection, subject to a condition                |
| 8.  | CBC Environmental Health                   | No objection, subject to conditions                 |
| 9.  | CBC Refuse & Recycling Team                | No objection                                        |
| 10. | Southern Water Ltd                         | No objection                                        |
| 11. | CBC Energy Efficiency & Sustainability     | No objection                                        |

12.	CBC Urban Design	No response received
13.	CBC Countryside & Open Space	No objection, subject to condition to secure an open space contribution
14.	CBC Drainage Officer	No objection, subject to a condition

### **NEIGHBOUR NOTIFICATIONS:-**

Site notices were displayed from 01/05/2019 till 25/05/2019, and press notices were published on 10/05/2019 till 01/06/2019.

### **RESPONSES RECEIVED:-**

22 letters of objection from 15no. households, together with a comment from a Councillor and a petition with 14 signatures have been received. The concerns are summarised below:

Impact upon visual amenity the street scene and the character of the area

- Too high and would dwarf any adjacent buildings.
- The building should be restricted to two floors.
- Would change the landscape of Stonefield Close.
- Represents over development of the site.
- The separation distance between the building and nearby properties is not sufficient, there would only be a gap of approximately 16m between the buildings north elevation and Alexander Court.
- There should be no bedrooms on the northern side of the building facing Alexander Court other than at ground floor level.
- There is an insufficient gap between the rear elevation of the building and the properties on Stonefield Close.
- The design is not in keeping with the streetscene and totally out of keeping within a tree lined cul-de-sac of bungalows.
- The proposed building is out of keeping with its surroundings.
- Loss of greenery within the streetscene.

Impact on neighbours

- Would overlook properties on Stonefield Close.
- The flats would overlook the rear gardens of properties on Stonefield Close.
- Alexander Court would be overlooked by a 3-4 storey building.
- Would block sunlight for Alexander Court, a daylight and sunlight assessment should be conducted.
- The balconies on the northern elevation would impact the privacy of the flats in Alexander Court.
- Would impact the residential amenity of No. 26 Stonefield Close to the east of the application site.
- Extra noise and pollution from cars.
- Would impact the quality of life of residents on Stonefield Close.
- Noise and pollution during demolition and building works.

Highways and parking

- There would be extra cars parking in Stonefield Close which would cause access issues.
- Young people have more than one car which would result in more parking on the street.
- It would restrict access, and cause issues with vans/dustcarts getting through Stonefield Close.
- The entrance for the car parking should be in Brighton Road to reduce the traffic in Stonefield Close.
- Would cause access issues to Alexander Court which also has an access onto Stonefield Close.
- The turning space within the parking areas is not sufficient.
- It is not clear how many parking bays would remain on Stonefield Close after the development, there are currently only 15.
- Inadequate parking provision.
- No visitor parking.
- There is already congestion on Brighton Road during rush hour and when the level crossing is closed, this would be worsened.
- Stonefield Close is a narrow road with parking running the full length on one side, making it difficult to see how the additional vehicle movements can be safely accommodated. It will increase the pressure on local parking.

- While there are flats both opposite and adjacent to the site, these are of a lower height and do not immediately overlook adjacent housing, impacting upon privacy and light-levels.
- Will residents be eligible for parking permits?

#### Other matters

- Would result in the loss of wildlife in the garden and the loss of trees.
- There will also be water pressure issues for nearby properties.
- Would cause further flooding on Stonefield Close.
- Impact on the sewage system given the flooding on the street.
- A loss in the value of properties.
- Who will live in the proposed flats?

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

The application is for 'major' development.

#### **1. THE APPLICATION SITE:-**

- 1.1 The application site is located on the eastern side of Brighton Road at its junction with Stonefield Close, within the neighbourhood of Southgate. The site measures 0.17hectares, and currently contains a pair of semi-detached dwellings, Nos. 42 and 44 Brighton Road. The two properties are brick built with red tile hanging detailing at first floor level, and pitched roofs. There are attached garages on the sides of the two properties. No. 42 Brighton Road has vehicular access from Stonefield Close, whilst No. 44 Brighton Road has a vehicular access onto Brighton Road.
- 1.2 There are a number of mature trees and other vegetation on the site. This includes screening along the western boundary fronting Brighton Road, the southern boundary adjacent to Godolphin Court, and on the eastern boundary of the site adjacent to No. 26 Stonefield Close.
- 1.3 The surrounding area is predominantly residential in character. To the south is Godolphin Court a three storey block of flats, to the north is Alexander Court a two storey block of flats, and to the west is Glendon House a three storey block of flats. To the east along Stonefield Close are semi-detached bungalows.
- 1.4 The site lies on Brighton Road which is a classified 'A' road, and within Gatwick Safeguarding Zone which requires GAL Safeguarding and NATS to be consulted on proposals which exceed 10m in height.

#### **2. THE PROPOSED DEVELOPMENT:-**

- 2.1 The application seeks outline planning permission for the demolition of the existing two semi-detached properties and the erection of a part 3/part 4 storey residential building, comprising of 5x 1no. bedroom flats and 15x 2no. bedroom flats. Approval is sought for access and layout at the outline stage, with appearance, landscaping and scale to be considered as Reserved Matters.
- 2.2 There would be two vehicular accesses to the site, the existing access from Brighton Road would be retained to provide access to the small car parking area in front of the building. A new access would be created on to Stonefield Close providing access to the larger parking area. In total of 20no. on-site car parking spaces would be provided. A cycle store would be located on the southern side of the site, providing covered storage for 38no. cycles.
- 2.3 In terms of layout, the accompanying plans show that the building would be located within the middle of the site and would have a maximum width of 24m and a length of 24.5m. It would be set back 12m from Brighton Road, 5m from Stonefield Close, and there would be a gap of 29-31.5m between the rear elevation of the building and No. 26 Stonefield Close to the east. The illustrative elevations show a flat roofed building with recessed balconies on the front elevation, decorative textured brick work, and metal cladding to the 3<sup>rd</sup> and 4<sup>th</sup> storeys.
- 2.4 The following supporting documents have been submitted with the application:

- A site layout plan,
- Indicative proposed floorplans, elevations and streetscene,
- Tree Survey and Condition Report April 2019
- Planning Statement
- Design and Access Statement
- Viability Assessment
- Drainage and Flooding Statement
- Letter regarding Noise Assessment
- Noise Assessment

### **3. PLANNING HISTORY:-**

- 3.1 CR/040/1988 – ERECTION OF TWO STOREY SIDE EXTENSION, DOUBLE GARAGE AND FRONT EXTENSION AT 44 BRIGHTON ROAD. PERMITTED HOWEVER NOT IMPLEMENTED.
- 3.2 CR/155/1979 – ERECTION OF EXTENSION TO GARAGE WITH PROVISION FOR ROOM ABOVE AT 44 BRIGHTON ROAD. PERMITTED HOWEVER NOT IMPLEMENTED.
- 3.3 CR/142/67 – ERECTION OF A BUNGALOW AND GARAGE, STONEFIELD CLOSE REAR OF 42 AND 44 BRIGHTON ROAD. REFUSED.
- 3.4 CR/466/64 – PROPOSED FORMATION OF ADDITIONAL BEDROOM OVER THE GARAGE AT 44 BRIGHTON ROAD. PERMITTED HOWEVER NOT IMPLEMENTED.
- 3.5 CR/465/64 – PROPOSED FORMATION OF ADDITIONAL BEDROOM OVER GARAGE, AT 42 BRIGHTON ROAD CRAWLEY. PERMITTED HOWEVER NOT IMPLEMENTED.

### **4. PLANNING POLICY:-**

#### National Planning Policy Framework (February 2019)

- 4.1 The revised National Planning Policy Framework (NPPF) was published in February 2019.
- 4.2 Paragraph 8 states that achieving sustainable development means the planning system has three overarching objectives which are interdependent and need to be secured in mutually supportive ways. These are:
- a) an economic objective – “to help build a strong, responsive and competitive economy...”
  - b) a social objective – “to support strong, vibrant and healthy communities....”
  - c) an environmental objective- “to contribute to protecting and enhancing our natural, built and historic environment...”
- 4.3 Section 4 – Decision Making states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way
- Paragraph 57 states that where up-to-date policies have set out the contribution expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. All viability assessments should be made publicly available.
- 4.4 Section 5 – ‘Delivering a sufficient supply of homes’ emphasises the need for the planning system to deliver a sufficient supply of homes including affordable housing and the need for LPA’s to maintain and monitor the supply of housing against its housing requirement.
- Paragraph 64 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
    - a) provides solely for Build to Rent homes;

- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
  - c) is proposed to be developed by people who wish to build or commission their own homes; or
  - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.
- 4.5 Section 8 – ‘Promoting healthy and safe communities’ seeks to ensure planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible so that crime and disorder and fear of crime do not undermine quality of life and enable and support healthy lifestyles. Planning policies and decisions should promote public safety and take into account wider security (and defence) requirements.
- 4.6 Section 9 – ‘Promoting sustainable transport’ sets out transport considerations for new development including potential impacts on the existing transport network/s, opportunities for sustainable modes of transport and the need to focus development in sustainable locations. Paragraph 110 states that applications for development should give priority first to pedestrian, cycle and public transport movements, address the need of people with disabilities in relation to all transport, create safe, secure and attractive places avoiding conflict between different transport users, allow for efficient delivery of goods, and access by service and emergency vehicles and be designed to enable charging of plug-in vehicles.
- 4.7 Section 11 – ‘Making effective use of land’ states in paragraph 117 that *‘Planning policies and 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’*. The redevelopment of underutilised land and buildings is encouraged, and LPA’s should take a positive approach to alternative uses of currently developed land which is not allocated for a specific purpose to meet identified development needs. Paragraphs 122 and 123 seek to ensure efficient use though achieving appropriate densities on each site.
- 4.8 Section 12 - ‘Well designed places’ states that good design is a key aspect of sustainable development and that the planning and development process should achieve the creation of high-quality buildings and places. Paragraph 127 states:  
*‘Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 4.9 Section 15 – Conserving and Enhancing the Natural Environment. Paragraph 180 states that planning policies and 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. In doing so they should 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.

- Policy SD1: Presumption in Favour of Sustainable Development. This is the overarching policy for the plan and states that there will be a presumption in favour of sustainable development. Development will be supported when it complements Crawley's character as a compact town within a countryside setting, developed on a neighbourhood principle and maximises the use of sustainable travel. Development will be supported where it respects the heritage of the borough and protects, enhances and creates opportunities for Crawley's unique Green Infrastructure and accords with other policies and objectives unless material considerations indicate otherwise.
- Policy CH2: Principles of Good Urban Design in order to assist in the creation, retention or enhancement of successful places. In particular development proposals will be required to:
  - “(a) respond to and reinforce locally distinctive patterns of development and landscape character and to 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,*
  - (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,*
  - (g) provide diversity and choice through a mix of compatible development and uses that work together to create viable places that respond to local needs”.*
- Policy CH3: Normal Requirements of All New Development states all proposals for development will be required to make a positive contribution to the area; be of a high quality urban design; provide and retain a good standard of amenity for all nearby and future occupants of land and buildings; be able to meet its own operational requirements necessary for the safe and proper use of the site; retain existing individual or groups of trees; incorporate “Secure by Design” principles and demonstrate how the Building for Life 12 criteria would be delivered. Development proposals must adhere to any relevant supplementary planning guidance produced by the council.
- Policy CH4: Comprehensive Development and Efficient Use of Land. Development proposals must use land efficiently and not unduly restrict the development potential of adjoining land, nor prejudice the proper planning and phasing of development over a wider area.
- Policy CH5: Standards for all New Dwellings states that new dwellings must create a safe, comfortable and sustainable living environment and sets out minimum sizes for each dwelling, based on the Nationally Described Space Standards, and be capable of adaption through meeting Building Regulations Part M Category 2. Residential developments should be designed to include amenity space standards adequate to meet basic privacy, amenity and usability requirements.
- Policy CH6: Tree Planting and Replacement Standards. Landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species and planted in an appropriate location. If on-site provision is not feasible or desirable, commuted sums will be sought in lieu.
- Policy H1: Housing Provision. The council will positively consider proposals for the provision of housing to meet local housing need ensuring against town-cramming or unacceptable impact on the planned character or neighbourhoods or residential amenity.
- Policy H2: Key Housing Sites. This Policy encourages residential uses in the town centre, identifying the area as a broad location for housing.
- Policy H3: Future Housing Mix. All housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The appropriate mix of house types and sizes for each site will depend upon the size and characteristics of the site and the viability of the scheme. However, consideration should be given to the evidence established in the Strategic Housing Market Assessment and its updates for market housing needs and demand in Crawley.

- Policy H4: Affordable and Low Cost Housing. 40% affordable housing will be required from all residential developments. In addition to the provision of 40% affordable housing, approximately 10% low cost housing will be sought on developments proposing 15 dwellings or more, offering up to 10% discount to first-time buyers.
- 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 any subsequent increased requirements along with the water efficiency standards.
- Policy ENV8: 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. New dwellings should where viable and technically feasible, meet the Building Regulations optional requirement for tighter water efficiency.
- 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. The council will seek to implement a Community Infrastructure Levy (CIL) through the relevant processes. The rate will be set following the adoption of the Charging Schedule.
- Policy IN2: Strategic Delivery of Telecommunications Infrastructure states that all proposals for residential, employment and commercial development of one unit or more must be designed to be connected to high quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retrofitted.
- Policy IN3: Development and Requirements for Sustainable Transport. Development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network. 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. Development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council's car and cycle parking standards. Car parking standards for residential development are based on the accessibility of the area, the levels of car ownership, and the size of any new dwellings.

#### Emerging Crawley Borough Local Plan 2020-2035 (June 2019)

4.10 The Local Plan Review 2020-2035 is under consultation and therefore limited weight should be given to the following applicable policies:

- Policy SD1: Presumption in Favour of Sustainable Development
- Policy CD1: Neighbourhood Principle
- Policy CD2: Making Successful Places: Principle of Good Urban Design
- Policy CD3: Local Character and Design of New Development
- Policy CD5: Local Design Standards
- Policy CD6: Normal Requirements of All New Development
- Policy CD11: Standards for All New Dwellings (including conversions)
- Policy LC4: Tree Replacement Standards
- Policy IN1: Infrastructure Provision

- Policy IN3: Supporting High Quality Communications
- Policy H1: Housing Provision
- Policy H4: Future Housing Mix
- Policy H5: Affordable Housing
- Policy GI1: Green Infrastructure
- Policy SDC1: Sustainable Design and Construction
- Policy SDC3: Tackling Water Stress
- Policy EP4: Development and Noise
- Policy ST1: Development Requirements for Sustainable Transport
- Policy ST2: Car and Cycle Parking Standards

#### Supplementary Planning Documents

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

#### Urban Design SPD 2016:

- 4.12 This SPD includes further guidance, examples and explanation of the principles of good urban design and public realm design.
- 4.13 In relation to massing and materials it advises that buildings within the urban realm should work harmoniously and complement each other and that *“All new elements within the urban realm should consider the scale and materiality within their immediate context, as well as the overall character of their setting”*. The document explains that building heights in Crawley have been dictated by the history of the town and new development should show consideration to the scale and massing of its immediate surroundings. Proposals should consider existing and important views, relationship to human scale, possible wind tunnels, overshadowing and existing trees/hedges.
- 4.14 The SPD states that developments should consider how the immediate space around them may be occupied/developed in the future and accommodate any potential development.
- 4.15 The SPD includes minimum rear window to window distances (21 metres for two storeys and 30 metres for three storeys or more), the minimum distance between a blank gable and rear of an adjacent building and outdoor amenity space standards.
- 4.16 In respect of multi-dwelling residential development (flats) the SPD seeks *a minimum of 5sqm of private outdoor space, where the smallest dimension is not less than 1500mm, is provided for 1 to 2 person flats plus an extra 1sqm for each additional occupant. For apartments and flats, a useable private space should also be provided for residents. While balconies provide a good solution, they may not be appropriate in all contexts and a semi-private outdoor, communal space may be suitable*. Guidance is given on the shape, orientation, privacy, layout and position of amenity space provision. Detailed advice is provided to ensure that flatted developments are integrated into the community. The SPD states *“Elements of the design, such as entrances, public and private spaces and routes through should be clear and easy to navigate. The scale, massing and form of the development should relate to the surrounding area. The openings on the façades should reflect the local vernacular in proportions and a balance should be achieved between solid walls and window/door apertures. The roof design should be considered during the initial design stage and not left to the end to be resolved. Details and decorations are encouraged in residential developments, as they will create more character and visual interest. The materials used can often help with creating such details and decorations with little other effort – for example, a change in material within the elevation can help break up the mass of a building. Flatted developments, in particular those with multiple buildings, should endeavour to provide visual interest through a variation in the elevational treatment. Parking provisions should meet the recommendations set in Annex 1.”*
- 4.17 It also includes the Crawley minimum car parking standards. For 1 bed and 2 bed flats in this location, the minimum standards are 1 car parking space per dwelling. Regarding cycle parking it is stated that: *‘All cycle parking must be sheltered and secure and in accordance with local guidance and best practice design. For one bed dwellings: One space per dwelling and 1 space per 8*



*dwellings for visitors will be required. For two bed dwellings or more: 2 spaces per dwelling and 1 space per 8 dwellings for visitors will be required'.*

Green Infrastructure SPD 2016:

- 4.18 This SPD provides clear guidance on how to meet the requirements of Local Plan Policies in relation to Crawley's Green Infrastructure assets. It provides further guidance on Policy CH6: Tree Planting and Replacement Standards. This document includes a costing of £700 per tree in lieu of on-site planting. It also sets out the open space standards and costings. The document also links to the Urban Design SPD in respect of considering landscaping as part of high quality design.

Planning and Climate Change SPD 2016:

- 4.19 This SPD includes further guidance and justification on sustainability policies within the Local Plan (Policies ENV6, ENV8, ENV9 and IN3).

Affordable Housing SPD (adopted November 2017)

- 4.20 This SPD includes further guidance on the requirements of policies H3 and H4 in the Local Plan and when affordable housing would be sought from residential development.

Crawley Community Infrastructure Levy Charging Schedule 2016

- 4.21 The Crawley CIL Charging Schedule is in effect from 17<sup>th</sup> of August 2016 and is also relevant to this application as the proposal would create new dwellings.

Developer Contributions Guidance Note (published July 2016)

- 4.22 This sets out the Council's approach to developer contributions following the introduction of the Community Infrastructure Levy. It provides details of the CIL charges and when S106 contributions will be sought.

## 5. PLANNING CONSIDERATIONS:-

5.1 The application is for outline permission with access and layout to be determined with appearance, scale and landscaping to be Reserved Matters. The site is within walking distance of Crawley Town Centre and a number of local facilities including schools and GP Surgeries. The proposal represents the redevelopment and the intensification of residential use of a site in the built up area. In principle it is considered acceptable in planning policy terms, subject to addressing the more detailed matters considered below:

- Layout and impact on visual amenity
- Impact on neighbouring properties and residential amenities
- Impact on trees and landscaping
- The acceptability of the proposed development for future occupiers
- The impact on access, highways, parking and operational requirements
- Noise impacts
- Drainage
- Sustainability
- Gatwick Airport and bird hazard management plan
- Affordable Housing
- Infrastructure Requirements

### Layout and impact on visual amenity

5.2 The site is located in a residential area, within the built up area boundary. The streetscene of Brighton Road is characterised by a mixture of blocks of flats including Godolphin Court which is a three storey block of flats to the south of the application site, Alexandra Court which is a two storey block of flats to the north of the application site, and Glendon House which is a three storey block of flats to the west of the application site on the opposite side of the road. To the east along Stonefield Close are semi-detached bungalows.

5.3 The proposal would involve the demolition of the existing pair of semi-detached houses and the erection of a part 3 and part 4 storey block of 20 flats.

5.4 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 locally 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 high quality design and should relate sympathetically to their surrounds 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 operations requirements necessary for safe and proper use of the site. The scale and massing of flatted developments should also relate to the surrounding area.

5.5 The proposed building would be positioned in the centre of the site, with the entrance facing onto Brighton Road. There would be two vehicular accesses, the first from Brighton Road would serve a small parking area (5no. spaces), and the second from Stonefield Close which would serve the main parking area (15no. spaces).

5.6 It is indicated that the four storey element of the building would be located on the southern side of the site and the three storey element would be on the northern side. As layout is not a reserved matter, the building would be positioned 3.5m from the southern boundary, 9m from the western boundary, 2m from the northern boundary and 24-27m from the eastern boundary. The front elevation of the building would be in line with the front elevation of Godolphin Court. Overall the proposed positioning of the building is considered to be acceptable, and the front elevation of the building would relate well to the existing streetscene of Brighton Road and the front elevation of Godolphin Court to the south. Although the northern elevation of the proposed building would project forward of the front building line of the bungalows along Stonefield Close, it is considered that due to the 29-31.5m separation

distance between the building and the bungalows, and as a similar existing relationship already exists between Alexander Court and the front elevation of the bungalows on the northern side of Stonefield Close, that the proposed positioning of the building would be acceptable.

- 5.7 The footprint of the proposed building would be significantly larger than the existing two semi-detached properties, and given the proposed height of part 3 and part 4 storeys, it would be extremely visible from both Brighton Road and Stonefield Close. It is considered that the increase in massing on the southern side of the building is acceptable given the height of the existing neighbouring building Godolphin Court to the south, and the streetscene of Brighton Road subject to further consideration of the design and massing of the reserved matters application. Therefore in general terms the bulk and massing are considered to be acceptable in this location.
- 5.8 Illustrative plans showing the elevations of the building have been submitted to support the application. It is considered that the indicative design would be an acceptable addition to the streetscene area of Brighton Road and would not adversely affect Stonefield Close. In particular the use of brick detailing and texture, the inclusion of recessed balconies and contrasting materials for the 3<sup>rd</sup> floor elements. Notwithstanding this it is considered that:
- The choice of finishing materials should satisfactorily demonstrate how the scheme provides a high quality design solution.
  - Detailed consideration of design features to mitigate the impact of overlooking through appropriate window and balcony design, particularly on the rear elevation of the building should be provided.
- 5.9 Therefore, subject to these matters being addressed in the detailed design of the scheme at the reserved matters stage, it is considered in principle the development accords with the NPPF which emphasises the importance of good design and Policies CH2 and CH3 of the Local Plan.

#### Impact on neighbouring properties and residential amenities

- 5.10 In terms of the impact on neighbour amenity, the closest residential properties would be No. 26 Stonefield Close to the east that is a semi-detached bungalow, a 3-storey block of flats, Godolphin Court, to the south, and a 2-storey block of flats, Alexander Court, to the north.
- 5.11 The front elevation of the building would face Brighton Road, and the rear elevation would face towards the side elevation of No. 26 Stonefield Close. In order to prevent any potential harmful overlooking and privacy issues the Urban Design SPD seeks a 30m distance between three storey building and the rear elevations of any facing dwelling. The proposal would be located 29-31.5m away from the western side elevation of No. 26 Stonefield Close which has its entrance and three secondary windows on the western elevation. Concerns have been raised by the occupants of No. 26 Stonefield Close in regards to potential overlooking, loss of privacy and overbearing impact. It is considered that the relationship between the proposed building and No. 26 would be satisfactory, as the gap between the buildings would ensure that the proposal would not have a significant detrimental overbearing impact on the amenity enjoyed by the occupants of No. 26.
- 5.12 As a result of officer concerns regarding potential overlooking and loss of privacy cause by the balconies on the rear elevation of the proposed building, the agent has proposed additional screening to the second and third floor balconies to protect the privacy of the future occupants of the flats and the residential amenity of the occupants of No. 26. It is considered that further details regarding this could also be requested at the detailed design stage and would form a part of the reserved matters considerations.
- 5.13 In regards to the impact on Godolphin Court to the south, a gap of 8m would be retained between the side elevations of the two buildings. The existing planting and trees between the two buildings would also be retained. The indicative floorplan shows that the windows on the southern side elevation would be obscure glazed to prevent overlooking and loss of privacy, further details regarding this could be requested at the detailed design stage and would be subject to consideration as a part of the reserved matters. Overall however it is considered that the relationship between the two buildings would be acceptable

- 5.14 Concerns regarding the height of the proposed building have been raised by the occupants of Alexander Court particularly in regards to overshadowing and loss of daylight, however the assessment of scale is a reserved matter and does not form part of the considerations for this outline application. However, Alexander Court is located on the northern side of Stonefield Close, and that there would be a separation distance of 18m between the side elevations of the two buildings, it is considered that resultant relationship would be satisfactory and is a typical relationship between properties which are separated by a road. There could be some shadowing caused by the proposed building, however it is not considered to be unacceptable as the lower element of the building (three storey) is proposed to be located on the northern side of the site closest to Alexander Court. It is considered the development could therefore be designed to prevent harm to the occupiers of the flats to the north.
- 5.15 Concerns were also raised over the loss of the existing mature vegetation screening along the eastern boundary. It has been confirmed by the agent that the existing cypress trees on the eastern boundary of the site will be retained, and additional planting is proposed to screen the building, this could be addressed in more detail at the reserved matters stage.
- 5.16 In conclusion it is considered that the proposed positioning of the building within the site would be acceptable, with sufficient gaps between Godolphin Court and Alexander Court being retained. The separation distance between the rear elevation of the building and the western side elevation of No. 26 Stonefield Close is considered to be satisfactory, and the retention of the existing screening along the eastern boundary of the site would help to retain privacy for the existing occupants of No. 26. Detailed designs of the methods to minimise any potential overlooking through appropriate window and balcony design should be submitted at the detailed design stage and would be subject to consideration as a part of the reserved matters application.

#### Impact on trees and landscaping

- 5.17 The site contains a number of existing trees and mature vegetation which make a positive contribution to the visual amenity of the site, and provide some privacy to the occupants of neighbouring residential properties. A tree survey has been submitted, and has identified that a number of trees would need to be removed in order to facilitate development, these include:
- T1 (red cedar) and T5 (cypress) to enable landscape improvements.
  - T15 (ash), T19 (hazel), T20 (photinia), T24 (apple), G1 (group of cypress, elder, maple, hazel and rhododendron) and G4 (red cedar) to enable the construction of a car park.
  - T16 (maple), T17 (maple), T18 (holly) and T21 (lilac) to enable the construction of the building.
  - Part of H1 to enable construction of a new access.
- 5.18 The CBC Arboricultural Officer has raised no objection to the proposed removal of the trees on site, subject to suitable replacements.
- 5.19 Concerns were raised by neighbours regarding the potential impact of the loss of vegetation along the eastern boundary of the site, on the boundary with No. 26 Stonefield Close. It has been confirmed by the agent and shown on the proposed site plan that the existing planting, trees and hedging along this boundary will be retained in order to protect the amenity of the occupants of neighbouring properties. Similarly the trees along the southern boundary of the site would also be retained.

5.20 Policy CH6 requires landscape proposals for residential development to contribute to the character and appearance of the town by including at least one new tree for each dwelling of an appropriate species and planted in an appropriate location. It also 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 Green Infrastructure SPD contains details on the calculations for replacement tree planting which are as follows:

Crawley Local Plan		Applicant total		
Trunk diameter of each tree	Nos. of replacement trees required	Removed Tree no.	Tree trunk diameter (cm)	Number of replacement trees required
Less than 19.9	1	T1	35	3
20-29.9	2	T5	24	2
30-39.9	3	T15	60	6
40-49.9	4	T16	18	1
50-59.9	5	T17	10	1
60-69.9	6	T18	10	1
70-79.9	7	T19	20	2
80+	8	T20	12	1
		T21	20	2
		T24	19.2	1
		G1	5 X less than 15	5
			<b>Total</b>	<b>25</b>

5.21 There would be a net increase of 18no. dwellings on the site, therefore the total replacement/additional trees that are required would be 43no. The site layout currently proposes that 10no. new trees will be planted within the site. The CBC Arboricultural Officer has raised no objection to the proposed location of these trees. There is insufficient space within the site for all of the replacement/additional trees to be planted, as a result the Council has agreed that a commuted sum can be paid for the additional requirement, this is detailed below in the infrastructure contributions section of the report.

5.22 The tree protection plan shows that the proposed building would not encroach into the RPA of any of the retained trees on the site, and it is considered that there is an acceptable distance between the proposed building and the tree canopies. Part of the proposed footpath along the southern side of the building would encroach into the RPA's of trees T10, T11, T12, T13 and T14, similarly the proposed access on to Stonefield Close and parking area would encroach into the RPA of T25. It is proposed that a 'no-dig' method of laying the hardstanding would be employed around the RPAs of these trees. Tree protection fencing is proposed around the other retained trees on the site. Subject to a condition to ensure that all works are in accordance with the Tree Survey and the Tree Protection Plan, to ensure that trees are protected during implementation it is considered that there would be an acceptable impact upon trees/landscaping.

The acceptability of the proposed development for future occupiers

5.23 Policy CH5: Standards for all New Dwellings states that new dwellings must create a safe comfortable and sustainable living environment and sets out minimum sizes for each dwelling, which is based on the Nationally Described Space Standards. A 1 x bed, 2 person single storey dwelling should provide a minimum internal floorspace of 50 sqm. and 2 x bed, 3 person, single storey dwellings should provide a minimum floorspace of 61sqm. From the indicative floorplans submitted it is evident that all of the proposed flats could meet the minimum internal space requirements.

5.24 The Council's Urban Design SPD recommends that a minimum of 5sqm of private outdoor space, where the smallest dimension is not less than 1500mm, is provided for 1 to 2 person flats plus an extra 1sqm for each additional occupant. It also states that while balconies provide a good solution, they may not be appropriate in all contexts and a semi-private outdoor, communal space may be

suitable. The proposal would provide private balconies/terraces to all flats. All of the balconies could meet the minimum 5sqm requirement, in addition there would also be a communal garden to the rear of the building at the south-east corner which would provide additional outdoor amenity space.

- 5.25 The indicative elevation drawings also show screening to the balconies facing No. 26 Stonfield Close which would provide some privacy to future occupants and privacy to the amenity enjoyed by the occupants of No. 26 Stonefield Close.
- 5.26 Overall it is considered that the proposed development could provide a satisfactory environment for future residents subject to the approval of the reserved matters and would therefore accord with Policy CH3 of the Crawley Borough Local Plan (2015-2030), the advice contained within the Urban Design SPD (2016) and the relevant paragraphs of the NPPF (2019).

#### The impact on access, highways, parking and operational requirements

- 5.27 The existing vehicular access from Brighton Road would be retained and extended, and a new access from Stonefield Close would be created with of the existing crossover on the north-west corner of the site being blocked up.
- 5.28 Brighton Road is an 'A' class road and Stonefield Close is a 'D' class residential cul-de-sac. West Sussex County Council (WSSCC) commented that the revised plans showing the retention of and extension to the width of the existing vehicle crossover on to Brighton Road would be acceptable. With regard to the proposed new cross over on to Stonefield Close WSSCC requested that a simple vehicular cross arrangement was shown on the proposed plans along with 2m width pedestrian visibility splays. WSSCC have commented on the amended plans setting out that there would now be suitable visibility splays onto Stonefield Close, and that given the low speed and light trafficked environment, the development would not be considered to be a detrimental highway safety.
- 5.29 The proposed new access onto Stonefield Close, at the north-eastern corner of the site adjacent to the substation would result in a change to the on-street parking spaces that form part of the Controlled Parking Zone. The Area Office and Parking Team at WSSCC have commented that a Traffic Regulation Order would be required to remove the existing parking bay and the application of double yellow lines, the applicant has stated a willingness to undertake this.
- 5.30 Comments have been received from neighbours highlighting concerns over the number of cars that would be associated with the proposed flats and the increased vehicular movement to and from the site. The existing use would see 9 two-way daily movements. The proposal would increase the number of vehicle trips, and is likely to generate approximately 45 two-way trips each day. The site is located on Brighton Road which is a busy route linking Crawley town centre with the A23 to the south. WSSCC have commented that it is not expected that the increase in the number of trips would have a detrimental impact on road capacity given the existing movements on the local road network, and the proposal would not have a 'severe' cumulative impact on the operation of the highway network. As a result the principle of the intensification of the use of the site in regards to highway capacity is considered to be acceptable.
- 5.31 In regards to on-site parking the site lies within the Town Centre Area for parking and the Crawley Borough Parking Standards are:
- 1 space per 1 and 2 bedroom dwelling
  - Cycle parking 1 space per 1 bedroom dwelling and 2 spaces per 2 bedroom dwelling, along with 1 space per 8 dwellings for visitors
- 5.32 This would give a requirement of 20no. parking spaces and 37.5no. cycle parking spaces. Two car parking areas are proposed and would provide 20no. of parking spaces in total, which would accord with the minimum requirements. Five would be located within the smaller parking area accessed from Brighton Road, and fifteen would be within the larger parking area on the eastern side of the site. WSSCC have commented on the parking layout and consider it to be broadly acceptable. There would be 6m aisle width in both the front and rear parking areas between parking spaces to allow manoeuvring on site, so that cars can exit on to the public highway in a forward gear. All of the spaces would also meet the minimum size requirements of 2.4m x 4.8m. One disabled parking space would be provided in the main larger parking area. In regards to cycle parking, two secure cycle

stores would be located along the southern side boundary of the site, in total thirty eight spaces would be provided which would be in accordance with the minimum requirement.

- 5.33 Comments have been received from neighbours raising concerns over increased demand from future residents for the on-street parking spaces in Stonefield Close. The proposal would remove one on-street parking space to create a new access to the site, however one new space would be created where the existing dropped kerb would be reinstated. As a result it is considered that the creation of the new access to the site would have a negligible impact on the on-street parking arrangements. Although the proposal would intensify the use of the site and could increase pressure for on-street parking, the site would meet the minimum requirements for parking and cycle parking. Stonefield Close is a Controlled Parking Zone therefore on-street parking is tightly regulated, similarly all of the properties on Stonefield Close have their own driveways for at least two vehicles therefore it is not considered that the proposal would detrimentally increase demand for on-street parking, or adversely affect the parking arrangements for surrounding residential properties.
- 5.34 The site is also located in a sustainable location with good public transport links including Crawley Station, bus stops are located adjacent to the application site on Brighton Road, and cycle paths within the vicinity which would help to encourage the use of sustainable modes of transport and reduce demand for parking on Stonefield Close.
- 5.35 A refuse and recycling area is provided on the eastern side of the site within the main parking area. The CBC Refuse and Recycling team have commented that this location would be acceptable and easily accessible.
- 5.36 Overall it is considered that although the proposal would increase the number of vehicular movements to and from the site, given the location of the site on Brighton Road which is a main road into and out of Crawley, and the sustainable location of the site close to public transport links, that the overall impact would not be detrimental to the highway network. The proposal would meet the minimum car and cycle parking requirements, there would be a designated refuse and recycling area, and space within the site to manoeuvre in and out of parking spaces and parking areas, as a result the proposal is considered to meet its operational requirements. Therefore it is considered to accord with Policy CH3 and IN4 of the Crawley Borough Local Plan (2015-2030) and the Crawley Borough Parking Standards contained within the Urban Design SPD (2016).

#### Noise impacts

- 5.37 The application site fronts on to Brighton Road which is a classified road and a busy route into and out of the town centre. Traffic noise is therefore the main noise source. The applicant has submitted a noise assessment and concludes that:
- The façade fronting Brighton Road experiences higher sound levels than the facades to the rear of the building.
  - The balcony areas will exceed WHO levels for external spaces but these are acceptable because the range is “56.1-57.1 dB LAeq, 16 hr” and that this is a marginal exceedance.
  - Acceptable internal environment is achieved with closed windows only.
  - There is no provision for good acoustic design.
  - Conventional glazing and trickle vents are offered as a ventilation solution.
- 5.38 Policy ENV11 states that residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses. Noise sensitive uses will be permitted where it can be demonstrated that appropriate mitigation through careful planning, layout and design will be undertaken to ensure that noise impact for future users will be made acceptable.
- 5.39 The Environmental Health Officer has commented that although it is likely that the site is capable of supporting the proposed development, the current proposed mitigation in the form of fixed shut windows and glazing and trickle ventilation to achieve the 45 LAeq would not be adequate, and would not be a sustainable solution or good acoustic design. It is considered that an alternative window and façade design should be adopted to ensure that internal standards can be achieved with windows open. The agent has expressed commitment to address the issues and conditions could be attached

to a permission requesting a detailed schemes to protect dwellings from the noise from Brighton Road in addition to further consideration at the reserved matters stage.

### Drainage

- 5.40 The application site does not lie within a Flood Zone and therefore the Drainage Officer is not required to be consulted. Details regarding proposed drainage have been submitted these include connected to the surface water sewer on Brighton Road and the use of SuDS to limit flow at source. It is considered that specific drainage requirements would be required as a reserved matter.
- 5.41 It is requested that if the developer is connecting to the surface water sewer that a confirmation letter from the water authority should be submitted confirming that they accept the discharge. It is considered that this could be required via a condition.

### Sustainability

- 5.42 Policies ENV6 (Sustainable Design & Construction) and ENV9 (Tackling Water Stress) are relevant to this proposal from the perspective of environmental sustainability. Policy ENV6 requires that applications for new dwellings submit a Sustainability Statement detailing how the proposal will pursue the sustainability objectives set out in the policy. Policy ENV9 requires new dwellings to meet the 'optional' tighter standard for water efficiency introduced into the Building Regulations in 2015.
- 5.43 The CBC Energy Efficiency and Sustainability Officer has commented that compliance with this standard is assessed as part of the Building Regulations progress, but it can only be triggered by a Local Plan policy (such as ENV9) coupled with a planning condition. It is considered that the Sustainability Statement could be provided at a later stage, since the energy performance of a development would partly depend on some of the reserved matters, including the internal layout of the building and flats.

### Gatwick airport and bird hazard management plan

- 5.44 The site lies within a Gatwick Safeguarding Zone whereby Gatwick Airport are required to be consulted for proposed buildings over 10m. A bird hazard management plan has been submitted and has been considered acceptable by GAL Safeguarding. A condition will be required to ensure that the proposed methods of dispersal are implemented.

### Affordable Housing

- 5.45 Policy H4 of the Crawley Borough Local Plan sets out the expected levels of affordable and low cost housing within new housing developments. It seeks 40% affordable housing from all new developments, with a minimum of 70% of the affordable housing being Affordable Rent, or Social Rent where other forms of subsidy exist, and up to 30% Intermediate tenure. In addition to the provision of 40% affordable housing, approximately 10% low cost housing will be sought on developments proposing 15 dwellings or more, offering 10% discount to first-time buyers. The policy states that this will apply to all developments unless evidence demonstrates that this cannot be achieved from a viability perspective and the development meets a demonstrable need. Payment in lieu will only be accepted in exceptional circumstances.
- 5.46 In addition to local policy, at a national level Paragraph 64 of the NPPF (2019) states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. The NPPF provides a definition of affordable home ownership as '*Housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market*', the definition goes on to explain further details regarding the types of housing considered to be affordable home ownership.
- 5.47 A viability appraisal has been submitted with the application and was independently assessed by Dixon Searle, an independent valuer on behalf of Crawley Borough Council. The viability appraisal submitted by the applicant concluded that it was not viable to provide any affordable housing on site



or a surplus available towards a financial contribution. Dixon Searle agreed with the majority of the assumptions made in the submitted appraisals, however they considered that the build costs to be overestimated. Dixon Searle concluded that a policy-compliant scheme was not viable, however there was considered to be a sufficient surplus to provide 20% affordable housing for affordable rent. It was also raised that as this an outline application a review mechanism may be appropriate. Since then several new evidence documents and rebuttals have been submitted, and Officers have worked with the applicant to negotiate a suitable offer.

- 5.48 A rebuttal was submitted by the applicant on whereby the S106 payments were incorporated into the viability appraisal. Dixon Searle assessed each of the points:
- The issue of mean/median
  - The 5 year BCIS (Building Cost Information Service) rate
  - Rising market requiring an assumption of upper quartile build rates
  - The use of higher construction cost figure in the policy target scheme
- 5.49 Dixon Searle still concluded that the scheme is still viable, and once the S106 contributions towards tree planting and open space have been deducted, there would still be a surplus available towards affordable housing. The scheme was considered to be able to provide 15% affordable housing in the form of 3 affordable rent units.
- 5.50 This was further challenged by the agent, and in order to clarify the build costs on the site more precisely the agent instructed a construction consultant to prepare a cost plan report for the scheme. This was reviewed independently by a Quantity Surveyor and it was concluded that the build costs stated in the cost plan were not lower than those stated by the applicant. Given this and the other agreed assumptions, Dixon Searle accepted that the residual value is lower than the benchmark land value and concluded that there is currently no surplus available for affordable housing.
- 5.51 Although Dixon Searle consequently accepted that there would be no surplus to provide the 3no. on-site units (15% affordable housing), an appeal case in the London Borough of Redbridge (APP/W5780/W/18/3200299) was highlighted to Officers which was then considered as part of the determination of this application. The appeal decision in Redbridge was for a major application which proposed no affordable housing. Within the Inspectors decision Paragraph 64 of the NPPF discussed in regards to the affordable housing requirement. Paragraph 64 requires at least 10% of homes to be available for affordable home ownership, and makes no reference to the use of viability appraisals to negotiate this requirement. The Inspector concluded that the appeal should be dismissed as the development would not be in accordance with paragraph 64 of the revised Framework, as it had not demonstrated that at least 10% of the homes within the scheme would be available for affordable home ownership.
- 5.52 Taking these considerations into account, the proposed scheme at 42-44 Brighton Road would fail to even meet the minimum 10% baseline requirement of the NPPF. On this site the Council would expect the 10% to be in the form of two units, and in addition to providing this minimum of 10% of homes for affordable home ownership, would also require a viability review mechanism in anticipation that the development becomes viable post commencement and thus capable of delivery of some affordable homes. This offer was presented and refused by the applicant. A counter offer was subsequently received from the applicant of £15,000 towards affordable housing plus a review mechanism, however the Council do not consider this to be adequate to meet the minimum NPPF requirement or the need for affordable housing in Crawley.
- 5.53 Overall given the detailed discussions and negotiations regarding affordable housing it is considered that the proposed development of 20 flats with no affordable housing provision would be unacceptable, and the proposal would fail to meet even the minimum national requirement of 10% affordable home ownership units as required by the NPPF (2019).

#### Provision of Infrastructure Requirements

- 5.54 Policy CH6 requires that landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species to be planted in an appropriate location. As set out in the Green Infrastructure SPD, a total of 43no. new trees would need to be provided, however only 10no. would be provided on

site. Therefore a contribution would be sought for the remaining 33no. trees (£700 per tree). The applicant has confirmed a willingness to enter into a S106 agreement for a financial contribution to supplemental planting. A legal agreement would be required to secure the £23,100 (£700 x 33 units) tree mitigation contribution and would have been pursued if the application was considered acceptable.

- 5.55 There is also a requirement for open space mitigation as the site would not provide open space for future residents. Policies IN1 and ENV5 also specifically apply to open space and as no open space provision is made on site, the impacts off-site need to be considered on a site by site basis. The proposal would trigger contributions of £11,575 towards open space mitigation comprising:
- £5,950 (or 35sqm on site) children's/youth play Baker Close playground and the youth play space located within Southgate Park.
  - £3,375 (or 225sqm on site) for Amenity Green Space subject to discussions with Community Services.
  - £2,250 (75sqm on site) for allotments which could be directed towards enhancing provision at Malthouse Road allotment site.
- 5.56 The applicant has confirmed a willingness to enter a S106 agreement and a legal agreement would have been pursued if the application was considered acceptable.
- 5.57 Policy IN1 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will seek to implement a Community Infrastructure Levy (CIL). The Crawley CIL Charging Schedule is in effect from 17th of August 2016 and is also relevant to this application since the proposal is creating new residential units. The correct charge could be calculated and a CIL Liability Notice issued if permission was granted.

## **6. CONCLUSIONS:-**

- 6.1 The principle of residential development is acceptable and the proposal would provide a net increase of 18no. flats in a sustainable location that would help to meet Crawley's general housing need. The overall positioning of the building within the site is considered to be acceptable, and the front elevation of the building would relate well to the existing streetscene of Brighton Road.
- 6.2 In regards to impact on nearby residential properties, it is considered that the proposed positioning of the building within the site would be acceptable to prevent harm to occupiers, with sufficient gaps between Godolphin Court and Alexander Court being retained. The separation distance between the rear elevation of the building and the western side elevation of No. 26 Stonefield Close is also considered to be satisfactory to prevent harm to the occupiers of this bungalow.
- 6.3 The proposed accesses to the site are considered to be acceptable and no highway safety or capacity concerns have been raised by WSCC. The provision of 20no. car parking spaces, the layout of proposed parking areas, and 38no. cycle parking spaces are considered to be acceptable and would meet the minimum requirements of Policy IN4 and the Crawley Borough Parking Standards contained within the Urban Design SPD. The proposal would also have sufficient refuse and recycling storage to meet its operational requirements.
- 6.4 The provision of 10no. replacement/additional trees on site and a financial contribution of £23,100 towards further off-site planting is considered to be acceptable and in accordance with Policy CH6. Likewise the open-space contribution of £11,575 was also considered to be acceptable and in accordance with Policy ENV5. However as no S106 agreement has been completed to ensure that these contributions will be delivered to ensure off site infrastructure to mitigate the development can be provided, the development is contrary to policies IN1, CH6 and ENV5 of the Local Plan and the Green Infrastructure SPD.
- 6.5 The proposal would fail to provide any on-site provision of affordable housing. There is a significant need for affordable housing in Crawley and the Council is committed to maximising provision to address this need. This local need has been recognised in Policy H4, where financial contributions are sought for small developments dwellings less than 5 dwellings in addition to major developments such as this proposal. This approach of applying the requirements of affordable housing to all

residential developments has been accepted as sound, has been considered to meet the tests within paragraph 56 of the NPPF and given weight in recent appeal decisions by several Inspectors.

- 6.6 It is agreed that a policy compliant scheme would not be viable, however the provision of no affordable housing is not considered to be acceptable as it would not even meet the minimum 10% requirement of Paragraph 64 of the NPPF. Despite an offer being made to the Council, it is not considered to be adequate to meet the minimum NPPF requirement for the affordable housing need in Crawley, and therefore Officers recommend refusal of outline planning permission.

## **RECOMMENDATION RE: CR/2019/0214/OUT**

### **REFUSE:**

1. The proposal would not provide any provision towards affordable housing, where there is a significant and demonstrated need in the Borough. The proposed development is therefore contrary to Policies H4 of the Crawley Borough Local Plan 2015-2030, the Affordable Housing Supplementary Planning Document (2017), and paragraph 64 of the National Planning Policy Framework (2019).
2. An agreement is not in place to ensure that the appropriate contributions for tree planting and open space are secured. The development is therefore contrary to policies CH6, ENV5, and IN1 of the Crawley Borough Local Plan 2015-2030 and Supplementary Planning Guidance Document 'Green Infrastructure'.
3. 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:

- 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.
- Providing advice on the refusal of the application to solutions that would provide a satisfactory way forward in any subsequently submitted 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.



# ArcGIS Web Map

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