

Crawley Borough Council

Report to Planning Committee

18th November 2019

Appeal against Non-Determination of Planning Application CR/2018/0894/OUT – STEERS LANE, FORGE WOOD, POUND HILL, CRAWLEY

Report of the Head of Economy and Planning, **PES/342**

1. Purpose

- 1.1. This report is being brought before the Planning Committee to explain the circumstances in relation to this application for which an appeal is now underway. The appeal has been lodged on the grounds that the Local Planning Authority (LPA) has failed to determine the application within the statutory time frame.
- 1.2. While the Planning Committee is no longer in a position to formally determine this planning application, this report sets out the officers concerns with the application and the grounds on which the planning appeal will be defended (the putative reasons for refusal).
- 1.3. The appeal is due to heard at a 6 day Public Inquiry and is scheduled to commence on 14th January 2020. It will be heard at the Charis Centre in West Green.
- 1.4. The appeal is following a new procedure, with an associated timetable. Due to the tight timescale which is set out by the Planning Inspectorate (PINS), the LPA's Statement of Case has now been submitted to the PINS in accordance with the appeal procedures, as has the Statement of Common Ground for highways matters. The Statements of Common Ground for planning issues and noise are still under consideration by the LPA and the appellant.
- 1.5. The new procedure also includes a Case Management Telephone Conference led by the Inspector and this is to be held on 13th November 2019. The LPA's Proofs of Evidence are due at the Planning Inspectorate by 16th December 2019.
- 1.6. This report is for **INFORMATION** to advise the Committee of the situation. The attached report (**APPENDIX 1**) is the Officer's appraisal of the scheme and concludes with the grounds on which the appeal is to be contested, as set out in the LPA's putative reasons for refusal.

2. Recommendations

That the Planning Committee:

- 2.1. Note the report and **RESOLVE** that if the application had been determined by the Planning Committee, Officers would have been minded to recommend that the Committee refuse it for the 2 reasons as set out in section 5.1 of this report.

3. Reason for Recommendations

- 3.1. To update and inform the Planning Committee of the current situation with regard to the application and appeal. The Planning Committee endorsement of the recommendation set out in Section 2 above provides a clear steer for the Inspector on the LPAs concerns which should help form a clear basis for the discussion and examination of the issues at the forthcoming Public Inquiry. Such a recommendation also provides firm endorsement of the adopted Local Plan policies and Supplementary Planning Documents and Guidance.

4. Background

- 4.1 This application was validated by the LPA in December 2018 and was subject to the normal publicity and consultation requirements. Following a review of these comments Officers met with the agent to discuss the application and the feedback of consultees for which there were a number of objections and concerns raised. Written advice was also provided by Officers. Additional information was provided by the appellants and subsequently a complete set of revised proposals were submitted in June 2019 comprising the repositioning of the access and associated layout changes. This required full reconsultation, which took place at the end of June.
- 4.2 This application is major development, is within the Forge Wood neighbourhood and is subject to many site constraints and considerations. While discussions around the issues arising from the latest set of plans had taken place with the agent and applicant, the appeal against non-determination was lodged prior to the LPA formerly writing to the agent/appellant with a comprehensive list of outstanding issues (which was to be provided once the all key consultee comments had been received and fully assessed by officers) and it was expected that further negotiations and discussions would then be required.
- 4.3 The lodging of this appeal has prevented the LPA from making a decision on the application and undertaking further negotiations. The appeal process has now been started by The Planning Inspectorate (PINS) and is to proceed by way of Public Inquiry.
- 4.4 The appellants have submitted a further application for this site which is a duplicate of these subject proposals. This is yet to be determined and will brought before Planning Committee for a decision at a later date.

5. Issues

- 5.1 **On the basis of the merits of the case it is considered that should a formal recommendation have been made to the Planning Committee, it would have been one of refusal for the following reasons:**
1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the 185 dwellings proposed in this outline application can be accommodated on the site in an appropriate and attractive layout that is policy compliant, especially in terms of space standards, garden sizes, parking, housing mix requirements, affordable housing provision, open space and the noise environment and provides for a high standard of environment and quality of life for new residents, and reflects and respects the character of the area, having due regard to the constraints and opportunities that apply to this site. The proposal therefore conflicts with Policies SD1, CH1, CH2, CH3, CH5, CH6, CH7, H1, H3, H4, ENV1, ENV5, ENV11, IN4 of the Crawley Borough Local Plan 2015 – 2030 and the guidance set out in the Urban Design Supplementary Planning Document, Green Infrastructure Supplementary Planning Document, and the relevant paragraphs of the NPPF including 122, 124 and 127.
 2. No agreement is in place to ensure that the appropriate affordable housing and infrastructure needs required to support the development are secured. The proposed development is therefore contrary to Policies IN1 and H4 of the Crawley Borough Local Plan 2015 -2030, the Green Infrastructure SPD, the Affordable Housing SPD and the Developers Contributions Guidance Note.

Background Papers:

Application CR/2018/0894/OUT

Valerie Cheesman
Principal Planning Officer
Tel: 01293 438230
valerie.cheesman@crawley.gov.uk

Appendix 1

CRAWLEY BOROUGH COUNCIL
PLANNING COMMITTEE - 18 November 2019
REPORT NO: PES/326(b)

REFERENCE NO: CR/2018/0894/OUT

LOCATION: STEERS LANE, FORGE WOOD, POUND HILL, CRAWLEY
WARD: Pound Hill North and Forge Wood
PROPOSAL: OUTLINE APPLICATION FOR ERECTION OF UP TO 185 RESIDENTIAL DWELLINGS, WITH THE ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS VIA STEERS LANE, CAR PARKING AND CYCLE STORAGE AND LANDSCAPING (ALL MATTERS RESERVED EXCEPT FOR ACCESS) - AMENDED PLANS AND DOCUMENTS RECEIVED - SHOWING REVISED ACCESS ARRANGEMENTS AND REVISED LAYOUT

TARGET DECISION DATE: 7 March 2019

CASE OFFICER: Mrs V. Cheesman

APPLICANTS NAME: Danescroft (RLP Crawley) LLP

AGENTS NAME: David Neame

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
18028 S101	A	Site Location Plan
18028 SK14	B	Unit Size Distribution Diagram
18028 SK15	C	Tenure Distribution Diagram
18028 SK16	B	Building Heights Diagram
18028 SK19		Proposed Floor Layouts
18028 SK20		Proposed Floor Layouts
18028 CO1	F	Existing Site Constraints Plan
08052507 T01		Existing Site Survey
08052507 T02		Existing Site Survey
08052507 T03		Existing Site Survey
08052507 T04		Existing Site Survey
DANE22446 10		Illustrative Landscape Masterplan
18028 SK35		Proposed Sketch Layout Plan
18028 CO2	K	Proposed Site Concept Plan
18028 SK29	B	Proposed Floor Layouts

CONSULTEE NOTIFICATIONS & RESPONSES:-

1. GAL Planning Department
No objection subject to noise mitigation condition or s106 agreement
2. GAL Aerodrome Safeguarding
No objection subject to conditions regarding bird hazard management plan, height limitation, landscaping scheme details, SuDS details, construction management strategy, lighting; and a cranes informative.
3. National Air Traffic Services (NATS)
No safeguarding objection
4. WSCC Highways
No highway objections subject to conditions, s106 agreement and

informatives

5. Crawley Cycle & Walking Forum
Comments made on internal road layout, pedestrian routes and cycling routes through the scheme, parking arrangements and cycle parking provision.
6. Metrobus
Comment that bus stops need to be improved with hard standings, bus shelters and real time passenger information on both sides of Steers Lane
7. Environment Agency
No objections subject to conditions
8. Thames Water
No objections subject to informatives
9. Southern Water Ltd
No objections subject to informatives
10. CBC Drainage Officer
No objections subject to conditions
11. WSCC Lead Local Flood Authority
No objection subject to conditions
12. Sussex Building Control Partnership
No response received
13. Police
Comments made on 'secured by design' issues.
14. Natural England
No objection
15. The Woodland Trust
No comments received
16. Archaeology Officer
No objection subject to condition
17. Ecology Officer
No objections subject to conditions and retention, enhancement and management of the woodland to the north
18. CBC Planning Policy
Should a policy-compliant, high quality development, meeting infrastructure requirements, be achieved with the higher number of units than the Local Plan would support, in principle, a figure above the indicative 75 dwellings set out in the Housing Trajectory for this site. Conversely, this should not be at the expense of policy compliance or quality of life for existing or new residents. Delivery levels within the Borough and commitment to meet Crawley's housing need in full within the Housing Market Area ensures that there is no need for the indicative figure to be exceeded if this would result in a scheme which does not meet the full wider Local Plan policy requirements or would create infrastructure capacity issues which are unable to be resolved or mitigated. Such an approach would be in accordance

with the NPPF.

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| 19. | CBC Housing Enabling & Development Manager | Concerns raised at the affordable housing mix, location of units and relative split of flats and houses of the affordable units compared to the private units. |
| 20. | CBC Energy Efficiency & Sustainability | No objection subject to conditions |
| 21. | CBC Planning Arboricultural Officer | No objection to tree removal for the access, but concern raised at layout and setting of the trees in these locations in south eastern tip and central section of the site. |
| 22. | CBC Environment Team | No comments received |
| 23. | CBC Environmental Health (Noise) | The site is subject to road and aviation noise. In principle this can be mitigated, subject to a suitable layout of the development including the proximity of the dwellings to Balcombe Road and their internal layout and design. |
| 24. | CBC Environmental Health (Air Quality) | Whilst an Air Quality Assessment has been submitted, an Emissions Mitigation Statement would also be required and this can be via a condition. Other aspects from the construction phase can be controlled through a condition for a Construction Environmental Management Plan. |
| 25. | CBC Refuse & Recycling Team | As plans are at a very high level and do not show the required detail unable to confirm at this stage that waste and recycling collections could be provided. |
| 26. | NHS Crawley Clinical Commissioning Group | No comments received |

NEIGHBOUR NOTIFICATIONS:-

The application has been publicised via site and press notices.

RESPONSES RECEIVED:-

Representations from 46 households have been received in response to the original plans and further comments from a 12 households has been received in respect of the amended plans. The objections cover the following aspects:

- No need for more houses, too many houses, Forge Wood not completed yet
- Effect on traffic in the area, road network inadequate, often gridlock at peak times
- Loss of woodland, trees and green areas
- Impact on wildlife
- Insufficient infrastructure in the area – roads, doctors surgeries, schools, shops, community centre

- Additional noise
- Pollution
- Residents will have to use Forge Wood facilities
- Construction noise
- Development is contrary to plans for the area, plans not revealed when properties purchased
- Forge Wood houses not being sold
- No green spaces on the layout
- Not in keeping for this semi-rural area, especially 3 storey flats
- Overlooking of adjacent properties in Radford Road
- Loss of outlook for houses in Somerley Drive and Steers Lane
- Impact on listed buildings
- Impact on property prices

REASON FOR REPORTING TO COMMITTEE:-

- 1.1 This report is being brought before the Planning Committee for information and to explain the circumstances in relation to this application for which an appeal is now underway. The appeal has been lodged on the grounds of non- determination, i.e. that the Local Planning Authority (LPA) has failed to determine the application within the statutory time frame.
- 1.2 While the Planning Committee is no longer in a position to formally determine this planning application, the report sets out the Officer's concerns with the application and the grounds on which they consider the planning appeal should be defended (the putative reasons for refusal).

THE APPLICATION SITE:-

- 2.1 The appeal site is a triangular piece of land positioned to the north of Steers Lane and to the west of Balcombe Road. The northern boundary of the appeal site (red line) is undefined but is adjacent to a rectangular strip of land (blue land) within the control of the applicant that lies to the south of the properties in Radford Road.
- 2.2 The site forms part of the Forge Wood allocation in the Local Plan identified in Policy H2 and is one of 2 residual sites within the allocation which are Broad Locations for housing development. It is thus outside the main Forge Wood development site approved for 1900 homes, and which is currently being built out by Persimmon Homes and Taylor Wimpey.
- 2.3 The land is relatively level, with a number of preserved mature trees (ref TPO No. 09/2017) around the boundaries and across the central area. The eastern part of the site also contains a number of younger more immature trees, including self-seeded silver birch, and other shrubs/undergrowth whilst the western part of the site has less trees and is more of an open grassed field. The Steers Lane and Balcombe Road frontages are designated areas of Structural Landscaping (Policy CH7). A Public Footpath (no. 3377) crosses the site in a south west/north east direction running between Steers Lane and Balcombe Road.
- 2.4 To the south of the site along Steers Lane is the main part of Forge Wood, (Phase 1 and Phase 2) with the signalised junction into Somerley Drive which leads south towards the school and Local Centre. To the east, on the opposite side of Balcombe Road is Phase 4 of the Forge Wood development. The south eastern tip of the site is adjacent to the Steers Lane/ Balcombe Road signalised junction and toucan crossing. To the immediate west of the site along Steers Lane is an area of off-airport car parking and Tinslow Farm.

THE PROPOSED DEVELOPMENT:-

- 3.1 The description of the proposal is OUTLINE APPLICATION FOR ERECTION OF UP TO 185 RESIDENTIAL DWELLINGS, WITH THE ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS VIA STEERS LANE, CAR PARKING AND CYCLE STORAGE AND LANDSCAPING (ALL MATTERS RESERVED EXCEPT FOR ACCESS) - Matters for consideration under this outline application thus comprise the principle of the development for up to 185 dwellings and the access. The detail of the appearance of the buildings, landscaping, layout of the site and scale would need to be dealt with as subsequent reserved matters applications.
- 3.2 The plans submitted for approval are:
- the location plan
 - access arrangements.
- 3.3 In addition, a number of 'parameter plans' have been submitted, these are:
- constraints plan,
 - concept plan,
 - unit size distribution diagram,
 - tenure distribution diagram,
 - building heights diagram
 - noise parameter plans.
- 3.4 Also submitted is a range of illustrative material including:
- a coloured sketch layout,
 - an illustrative landscape masterplan with vignettes detail,
 - landscape vision document,
 - street scenes,
 - typical floor layouts,
 - schedule of accommodations
 - open space calculation and plans.
- 3.5 The application is accompanied by a Design and Access Statement, Flood Risk Assessment, Utilities Assessment, Site Investigation report, Air Quality Assessment, Archaeology report, Community Engagement Report, Transport Report and Framework Travel Plan, Ecology Report, Arboricultural Impact Assessment, Noise Report and a Planning Statement.

PLANNING HISTORY:-

- 4.1 There is no recent planning history for the site prior to the submission of this application in December 2018.
- 4.2 A duplicate outline application CR/2019/0694/OUT was submitted in September 2019 and is currently under consideration.

PLANNING POLICY:-

The National Planning Policy Framework February 2019 (NPPF)

- 5.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives - economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways. At the heart of the Framework is presumption in favour of sustainable development.

5.2 Relevant paragraphs are:

- Paragraph 11: presumption in favour of sustainable development – this means that development proposals that accord with an up – to –date development plan should be approved without delay.
- Section 5: delivering a sufficient supply of homes – To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 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 – decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12: Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Section 15: Conserving and enhancing the natural environment – decisions should prevent new and existing development from contributing to, being put at risk from , or being adversely affected by, unacceptable levels of pollution including air and noise. Potential adverse impacts on health and quality of life are to be taken into account. In respect of noise, decisions should mitigate and reduce to a minimum potential adverse impacts and avoid noise giving rise to significant adverse impacts on health and quality of life.

Development Plan Policies

Crawley 2030: The Crawley Borough Local Plan 2015-2030

- 5.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise.
- 5.4 The Plan was adopted on 16th December 2015.
- 5.5 Overarching Policy SD1:Presumption in Favour of Sustainable Development sets out the presumption in favour of sustainable development in line with 6 strategic objectives which include progress towards climate change commitments, providing a safe and secure environment for residents and visitors and meeting the social and economic needs of the current and future population and policy CH1 supports development in line with the neighbourhood principle.
- 5.6 Policy CH1: Neighbourhood Principle - this will be protected and enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- 5.7 Policy CH2: Principles of Good Urban Design states:

To assist in the creation, retention or enhancement of successful places in Crawley, development proposals will be required to:

- a) respond to and reinforce locally distinctive patterns of development and landscape character and protect and/or enhance heritage assets;*
- b) create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas;*
- c) create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society, including disabled and elderly people;*

- d) *make places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport networks;*
- e) *provide recognisable routes, intersections and landmarks to help people find their way around;*
- f) *consider flexible development forms that can respond to changing social, technological and economic conditions; and*
- g) *provide diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.*

Applications must include information that demonstrates that these principles would be achieved, or not compromised, through the proposed development.

- 5.8 Policy CH3: Normal Requirements of All New Development sets out the normal requirements of all development and requires proposals to be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context, be of high quality in terms of landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials. In addition, proposals must provide a good standard of amenity for future residents in compliance with internal space standards and not cause unreasonable harm to the amenity of the surrounding area by way of overlooking, dominance or overshadowing, traffic generation and general activity. The policy requires the retention of existing individual or groups of trees that contribute positively to the area and seeks to ensure sufficient space for trees to reach maturity particularly when located in private gardens to ensure dwellings receive adequate daylight. Development should also meet its operational needs in respect of parking, access, refuse storage etc. The policy also requires the development to incorporate 'Secure by Design principles' to reduce crime, consider community safety measures and demonstrate design quality through 'Building for life' criteria.
- 5.9 Policy CH4: Comprehensive Development and Efficient Use of Land requires the comprehensive and efficient use of land to ensure the proper phasing of development over a wider area.
- 5.10 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 though 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.
- 5.11 Policy CH6: Tree Planting and Replacement Standards seeks to ensure landscape proposals for residential development contribute to the character and appearance of the town and seeks to ensure 1 new tree for each dwelling and where trees are lost, seeks mitigation in line with the published replacement standards.
- 5.12 Policy CH7: Structural Landscaping. The Steers Lane and Balcombe Road frontages of the site are identified as Structural Landscaping. Development proposals should demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping where appropriate.
- 5.13 Policy CH11: Rights of Way and Access to the Countryside seeks to protect and enhance public rights of way and seek opportunities to provide better facilities for users.
- 5.14 Policy CH12: Heritage Assets seeks to protect such assets, including archaeological assets. A Heritage Impact Assessment is required for major applications.
- 5.15 Policy H1: Housing Provision. The council will positively consider proposals for the provision of housing to meet local housing needs, taking a pro-active approach to identifying suitable sites for housing development and working to overcome constraints wherever possible, whilst ensuring against detrimental town-cramming or unacceptable impacts on the planned character of the existing neighbourhoods or on residential amenity.
- 5.16 Policy H2: Key Housing Sites - the site is part of the overall Forge Wood allocation, with the site itself being specifically identified as a 'Broad Location' for housing, namely 'residual land at Forge Wood'. The Local Plan Housing Trajectory identifies this at 75 dwellings with the site coming forward in Year 11 of the Plan (2025/26).

- 5.17 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. In delivering the affordable housing element of residential schemes, in line with Policy H4, the need for one, two and three bedroom affordable dwellings, as identified in the Strategic Housing Market Assessment should be addressed in meeting the housing needs of those considered to be in the greatest need.
- 5.18 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.
- 5.19 Policy ENV1: Green Infrastructure. This policy states that Crawley's multi-functional green infrastructure network will be conserved and enhanced through various measures including protection, enhancement and integration with new development, mitigating harm and maintaining and extending links where possible. Large proposals will be required to provide new and /or create links to green infrastructure where possible.
- 5.20 Policy ENV2: Biodiversity requires all proposals to encourage biodiversity where appropriate and to refuse proposals where there would be significant harm to protected habitats or species unless harm can be appropriately mitigated.
- 5.21 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. Depending on the characteristics and locations of larger housing sites, on-site provision of open space and recreational facilities may also be appropriate and required as an integral part of the development.
- 5.22 Policy ENV6: Sustainable Design and Construction sets out the requirement for all development to maximise carbon efficiency with all new dwellings being required to have strengthened on-site energy performance standards of the Building Regulations, and any subsequent increased requirements.
- 5.23 Policy ENV7: District Energy Networks (DEN). The site is within a priority area for District Energy Networks. The development of district energy networks and associated infrastructure is encouraged and should be approved unless it results in significant adverse impacts on the environs. The Policy requires that any major development proposal should demonstrate whether it can connect to an existing DEN, where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be 'network ready' to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.
- 5.24 Policy ENV8: Development and Flood Risk seeks to ensure development proposals must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding elsewhere.
- 5.25 Policy ENV9: Tackling Water Stress. New dwellings should where viable and technically feasible, meet the Building Regulations optional requirement for tighter water efficiency. Applicants must demonstrate how they have achieved the requirements of this Policy within their Sustainability Statement as required by Policy ENV6.
- 5.26 Policy ENV11: Development and Noise seeks to protect people's quality of life from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Residential and other noise sensitive development in areas that are exposed to significant noise from existing or future industrial, commercial or transport noise sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and

design, will be undertaken to ensure that the noise impact for future users of the development will be made acceptable. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted. Further guidance on this policy is provided in the Crawley Local Plan Noise Annex.

- 5.27 Policy ENV12: Air Quality states that development proposals that do not result in a material negative impact on air quality will normally be permitted.
- 5.28 Policy IN1: Infrastructure Provision states that 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. Where appropriate and in line with the CIL Regulations, Section 106 agreements will address site specific issues.
- 5.29 Policy IN2: Strategic Delivery of Telecommunications Infrastructure requires residential development to be designed and connected to high quality communications infrastructure and to ensure that fibre optic or other cabling does not need to be retrofitted.
- 5.30 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.
- 5.31 Policy IN4: Car and Cycle Parking Standards requires development to meet its needs when assessed against the Council's car parking and cycle parking standards.
- 5.32 Policy IN5: The location and Provision of New Infrastructure states that 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.
- 5.33 Policy GAT2: Safeguarded Land. The Local Plan Map identifies land which will be safeguarded from development which would be incompatible with expansion of the airport to accommodate the construction of an additional widespaced runway (if required by national policy) together with an commensurate increase in facilities that contribute to the safe and efficient operation of the expanded airport. The application site and the blue land lies outside of this area, which is situated further to the north.

Emerging Crawley Borough Local Plan 2020 – 2035 (June 2019)

- 5.34 The Local Plan Review 2020-2035 Regulation 18 draft version was out for consultation until 16th September 2019. The Submission Draft Local Plan is going to Cabinet in November and Full Council in December for approval of the Regulation 19 Consultation in January 2020.
- 5.35 As the emerging Plan is at an early stage and under consultation, at this point in time limited weight should be given to the following applicable policies:
- SD1: Presumption in Favour of Sustainable Development.
 - CD1: Neighbourhood Principle.
 - CD2: Making Successful Places: Principles of Good Urban Design.
 - CD3: Local Character and Design of New Development.
 - CD4(b): Effective Use of Land: Layout, Scale, Appearance and Public Realm.
 - CD6: Normal Requirements of All New Development.
 - CD11: Standards for All New Dwellings (including conversions).
 - LC3: Tree and Landscape Character Planting.
 - LC4: Tree Replacement Standards.
 - OS2: Provision of Open Space and Recreational Facilities.
 - IN1: Infrastructure Provision.
 - IN3: Supporting High Quality Communications.

- H1: Housing Provision.
- H2: Key Housing Sites.
- H4: Future Housing Mix.
- H5: Affordable Housing.
- SDC1: Sustainable Design and Construction.
- SDC2: District Energy Networks.
- SDC3: Tackling Water Stress.
- EP1: Development and Flood Risk.
- EP3: Pollution Management and Land Contamination.
- EP4: Development and Noise.
- ST1: Development and Requirements for Sustainable Transport.
- ST2: Car and Cycle Parking Standards.

Supplementary Planning Guidance and Documents

Urban Design SPD 2016

5.36 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. The document provides guidance on residential development including external private amenity space standards. It also sets out the car and cycle parking standards for the Borough.

Planning and Climate Change SPD 2016

5.37 This SPD sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, supporting District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport (relating to Policies ENV6, ENV7, ENV8, ENV9 and IN3).

Green Infrastructure SPD 2016

5.38 This SPD sets out the Council's approach to trees, open space and biodiversity. It includes the justification and calculations for tree replacement and new tree planting under Policy CH6 and 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.

Affordable Housing SPD (adopted November 2017)

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

Crawley Community Infrastructure Levy Charging Schedule 2016

5.40 The Crawley CIL Charging Schedule is in effect from 17th of August 2016 and is also relevant to this application as the proposal would create new residential flats.

Developer Contributions Guidance Note (published July 2016)

5.41 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.

PLANNING CONSIDERATIONS:-

- 6.1 It is considered that the main issues in the determination of this proposal are whether the outline scheme for 185 dwellings is acceptable in principle having regard to existing national and local policy, which requires all development to be of a high standard of design and layout in keeping with the character of nearby development and the surrounding area, and to provide a high quality environment and quality of life for new and existing residents
- 6.2 Thus this report will consider the following:
- the principle of the development
 - access and highways issues
- 6.3 It is also necessary to consider whether the scheme for up to 185 dwellings as a whole would provide a policy compliant development and as such the following matters must also be considered:
- housing mix and affordable housing
 - adequacy of the accommodation and the development for future occupiers (internal space standards, private amenity space, parking arrangements)
 - layout and urban design (relationship to the character of the area and internal layout of the site)
 - open space and recreation provision
 - trees/ ecology/ archaeology
 - noise issues
 - surface water drainage
 - sustainability
 - air quality
 - CIL and s106 requirements

The Principle of the Development

- 6.4 The site is within the defined built up area and is shown as an allocation in the current Local Plan for housing under Policy H2, being part of the Forge Wood allocation, and the site is specifically identified as a 'Broad Location' for housing. The Local Plan Housing Trajectory identifies this at 75 dwellings with the site coming forward in Year 11 of the Plan (2025/26).
- 6.5 The Inspector's Report for the Crawley Borough Local Plan confirmed that whilst it may be possible for the site to come forward earlier, suitable integration should be achieved and delivery of Forge Wood should not be compromised (paragraph 36). Thus it needs to be ensured that this site integrates with the new neighbourhood, both in terms of physical layout and a consistent approach to infrastructure delivery. In broad terms therefore the location of this site for housing is considered acceptable, particularly as it would ultimately form part of the overall Forge Wood neighbourhood.
- 6.6 Crawley's housing needs are being fully met from sites within the Borough and from sites within the recently adopted Local Plans for Mid Sussex and Horsham. Thus Crawley's housing need would be met in full within the Northern West Sussex Housing Market Area and the current Housing Trajectory indicates the Borough is on track to meet the anticipated levels of delivery and is currently exceeding the Crawley Borough Local Plan annualised average housing delivery figure of 340 dwellings per annum and meets/exceeds the government's Housing Delivery test.
- 6.7 Thus the Local Plan is up to date, contains relevant policies to the appeal development, and a 5 year supply of deliverable housing sites can be demonstrated. In these circumstances of the levels of delivery within the Borough and the commitments of neighbouring Local Plans, there is no overriding housing need which could outweigh the Local Plan policies. In this regard the Local Plan policies prevail and the appeal falls to be determined against those policies and the presumption in favour of sustainable development.

- 6.8 Thus should a policy-compliant, high quality development, meeting infrastructure requirements, be achieved with the higher density figure, then the Local Plan would support, in principle, a figure above the indicative 75 dwellings set out in the Housing Trajectory for this site.
- 6.9 Conversely, this should not be at the expense of policy compliance or quality of life for existing or new residents. Delivery levels within the Borough and commitment to meet Crawley's housing need in full within the Housing Market Area ensures that there is no need for the indicative figure to be exceeded if this would result in a scheme which does not meet the full wider Local Plan policy requirements or would create infrastructure capacity issues which are unable to be resolved or mitigated. Such an approach would be in accordance with the NPPF.
- 6.10 The current proposal for 185 dwellings, is a significant uplift over the Local Plan figure of 75 units, constituting an additional 110 units, namely a 146% increase.
- 6.11 It should be noted that were planning permission be granted for the scheme, due to the description of 'up to 185 dwellings' then effectively the permission would allow for that number of dwellings on the site, and it would not be possible to refuse any subsequent reserved matters application on the grounds of the numbers of units, as the principle of that amount of development would have already been established with the grant of the outline permission. Whilst matters of the layout and scale are reserved, given the considerable difference from the Local Plan figure, it is crucial that it is demonstrated that this scheme for the 185 units can be accommodated on the site in an appropriate layout that is policy compliant in all respects, as required by Policy SD1, before outline permission is granted.
- 6.12 Thus issues such as the overall scale of the development and internal space and accessibility standards, garden sizes, parking arrangements, housing mix requirements, affordable housing provisions, open space requirements and the noise environment need to be satisfied and overall the scheme would need to provide a high quality layout that would deliver a high standard of environment and quality of life for new and existing residents, as well as reflecting and respecting the character of the area, including that established for Forge Wood, having due regard to the constraints and opportunities that apply to this site. These aspects are considered in more depth below.

Access and Highways Issues

- 6.13 The scheme as amended proposes a sole access point onto Steers Lane to create a cruciform layout with the existing signalised junction into Somerley Drive, forming a fourth arm of the existing three arm signal controlled junction.
- 6.14 Initially the scheme proposed a separate access point further to the east, which would have introduced another set of signals along this part of Steers Lane. This was not considered to be appropriate and would have resulted in a site that was physically and perceived to be separate and disconnected from the main Forge Wood access via Somerley Drive (which leads to the school and approved local centre). Your officers argued that an integrated arrangement was preferred so that visually and functionally the site would be viewed as an integral part of the new neighbourhood. This approach was supported by WSCC Highways.
- 6.15 Following extensive discussions on this issue, the scheme was revised and the amended arrangements would be as follows:
- a right turn lane into the site from Steers Lane
 - the retention of the right turn lane into Somerley Drive
 - a 7m wide access road into the site
 - a 3m wide shared footway/cycle way on the eastern side of the access road
 - a toucan crossing on the eastern arm of the junction
 - staggered pedestrian crossing over the access road and the western arm of the junction
 - retention of the existing staggered crossing of Somerley Drive
 - a 2m wide footway on the western side of the access road
 - a 2m wide footway on the northern side of Steers Lane to connect to the repositioned bus stop (eastbound)

- improvements to the Public Right of Way at either end where it meets both Steers Lane and Balcombe Road comprising dropped kerb crossing ramps, tactile paving and visibility spays for the crossings across to connect to the Public Right of Way

- 6.16 WSCC Highways raise no highways objections subject to suitable conditions and a legal agreement to secure all necessary infrastructure. The new road junction has been assessed including the design, signal staging, traffic flow information, the Stage 1 Road Safety Audits and a swept path analysis has been undertaken. The proposals are found to be acceptable from a highways point of view.
- 6.17 Suggested conditions would cover the access details and implementation, vehicle parking and turning, cycle parking, a Travel Plan, surfacing to the public footpath, protection of the public footpath during construction, and a Construction Management Plan.
- 6.18 Highways matters required to be covered in a s106 Agreement are the site access junction, new bus stop poles and real-time passenger information equipment on both sides of Steers lane and alterations to the public footpath.

Housing Mix and Affordable Housing

- 6.19 The housing mix has been revised from the original submission and now more closely matches the starting point for market units as required by Policy H3 and the SHMA evidence. However, for the affordable units the mix is still not appropriate and requires an improved balance. Thus it is also necessary to consider the mix in the context of the scheme as a whole and whether the overall scheme with this housing mix is acceptable.
- 6.20 In terms of the amount of affordable housing, policy H4 requires 40% provision, which for the 185 units proposed would equate to 74 units, with a 70:30 tenure split of 52 rented and 22 intermediate. The latest set of proposals now indicate that this would be achieved.
- 6.21 However, there are concerns with the location of the affordable units, the space standards and discrepancies with the floor plans supplied, the introduction of flats over garages (FOGS) and the relative split of flats and houses of the affordable units when compared to the private units. There is a much higher proportion of flats and FOGs being offered as affordable units. Thus there is a disproportionate split of FOGs and flats between the affordable units and the private units.
- 6.22 The location of the affordable units has given rise to concerns due to the over-concentration of units and their locations in the noisier parts of the site. The latest set of plans has not changed these aspects significantly and the affordable units remain concentrated in 2 large clusters in relatively noisy locations. It is disappointing that this concern has not been addressed, as it is part of the assessment of whether the scheme would be policy compliant and it would have been helpful if the indicative layout was such that it illustrated that this could be achieved. Whilst the plans show the locations of the private units and affordable units, this has not been further refined to show the tenure split between rentals and intermediate, although they have been listed on the accommodation schedule.
- 6.23 In an attempt to spread the affordable units more widely through the site and to provide more 2 bed housing units, the latest plans show a number of FOGS rather than houses. No floorplans of these units have been supplied and they would not benefit from any private amenity space. In the main they have been positioned next or over the entrance of car parking courtyards, in an attempt to provide surveillance over such areas, following concerns raised by officers about these aspects of the layout. However, it is considered that this has not really addressed the issue, and has in fact given rise to other concerns and problem in terms of the overall layout, concentration of units and relationship to car parking and lack of amenity space. In addition, of the eight FOGS proposed, 6 would be affordable units, which again is a disproportionate ratio.
- 6.24 A further issue with the higher number of flats being offered as affordable units, when compared to the private flat/house mix, is that the flats would also incur service charges, which has an impact on their affordability.

6.25 Whilst these are aspects that potentially could be addressed by the reassignment of tenures and unit type (houses and flats) of the units throughout the layout as a whole, and with clarification on the space standards (and it is considered that there could be scope to achieve this), the scheme as currently presented is not acceptable and in particular does not meet the requirements of policies H3 and H4.

Adequacy of the Accommodation and the Development for Future Occupiers (Internal Space Standards, Private Amenity Space, Parking Arrangements)

6.26 The floor plans submitted with the application, whilst illustrative, do not meet the nationally Described Standards. This issue had been brought to the attention of the applicants but they have not been revised. Similarly a significant number of the external garden areas for the houses shown on the indicative layout plan do not comply with the standards set out in the Urban Design SPD and the balconies for the flats are only shown on some of the indicative floor plans. Whilst there is reference to communal gardens for the flats, this is not clearly identified on the plans and no numerical figure is given for this provision. In addition, this aspect is also classed by the developers as open space/allotment gardens and so there is an element of 'double counting'.

6.27 Again, whilst these matters could potentially be resolved at reserved matters stage, these aspects impinge on the overall layout and it is considered imperative that it is demonstrated that the 185 units as a whole can be accommodated on the site and meet their operational needs as required by the relevant policies. In this regard it has not been satisfactorily demonstrated that the number and type of the suggested units, their amenity areas and the associated overall layout is policy compliant.

6.28 In terms of parking, it is also considered that whilst the required numbers of spaces are shown to be incorporated within the site, the layout and arrangement of these and their allocation/non-allocation to specific dwellings is problematic. The details are shown partly on the illustrative layout, with analysis contained in the DAS. This indicates that the 1 and 2 bed units (both houses and flats) would have one allocated space each, and that the 3 and 4 bedroom houses have 2 allocated spaces, with 84 unallocated spaces. This gives a total provision of 355 spaces.

6.29 Taking the CBC Car Parking Standards and the approach developed for Forge Wood, a total of 344 spaces would be required, with the flats requiring one allocated space each, and the houses to have at least 2 allocated spaces each. In this regard, whilst the actual numbers to be provided would meet the numerical requirement, the way they are apportioned and located is not satisfactory.

6.30 The layout shows the 2 bed houses with only one space each and a high degree of unallocated spaces, especially associated with the affordable units. In addition the revised layout continues to show a high degree of frontage parking, again especially associated with the affordable units. This has the potential to be visually unsightly and unattractive, and would not assist in making these units tenure blind. A further point is that the preponderance of parking courtyards/forecourts continues, dominating the layout. This together with the FOG units is not considered to be an appropriate approach and has not addressed the earlier concerns raised about the layout in these respects. Rather they have added to the extent of built form in these areas, and by introducing additional units in these location, have exacerbated issues such as parking and amenity space.

6.31 The submitted plans and details are not considered to demonstrate that the parking spaces have been accommodated in an acceptable and appropriate way to provide a suitable layout overall that would comply with the policies of the Development Plan.

6.32 It is concluded that in respect of these issues the submitted scheme does not comply with the requirements of Policies CH3, CH5, IN4 and the Urban Design SPD.

Layout and Urban Design (Relationship to the Natural and Built Character of the Area and Internal Layout Issues)

- 6.33 Local Plan policies require that all development in Crawley should be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context. Development should be of a high quality and protect and enhance the distinctive character of the town.
- 6.34 In accordance with Policies CH2, CH3 and ENV1 the scheme and its associated layout needs to respond to and to reinforce locally distinctive patterns of development and landscape character, so that it reflects and respects the existing sylvan landscape character of the immediate area and the site itself. In particular there are areas of Structural Landscaping comprising mature trees and understorey planting that run along the Steers Lane and Balcombe Road frontages, which are identified in Policy CH7, and preserved trees that are around the site boundaries and within the site, including a line of trees that run through the site from north to south.
- 6.35 In addition, Policy CH3 requires that the development should have regard to the surrounding built development in the locality and relate sympathetically to its surroundings. In this regard the site needs to be assessed in the context of the Forge Wood neighbourhood, of which it will ultimately form a part. In particular the development of this site should have regard to the character and layout of the Steers Lane frontage (a part of Phase 1A) and the residential parcels on the eastern side of Balcombe Road (phases 3 and 4) as set out in the Forge Wood Design Statement and the Masterplan.
- 6.36 Comparing the layout to the Steers Lane frontage of Forge Wood, the units on the appeal scheme need to be set further back from the road to reduce their visual prominence, and which would allow for a more extensive depth of trees and vegetation to be retained and enhanced along the road frontage. Also the extent of built form, with a significant number of terraced units, set tight to each other, does not reflect the spacious and loose knit approach adopted on the opposite side of the road in Forge Wood, especially Watersfield Close and Portfield Close (Phase 1A).
- 6.37 The south-eastern tip of the site is similarly a key area in the established sylvan character of the Steers Lane/Balcombe Road junction and is a highly visible part of the site. In this regard an important and successful element of the Forge Wood development along Balcombe Road frontages (Phase 3 and 4) is the actual set back of the built form of the development from the main road, with the retention of the Structural Landscaping, which is further enhanced with areas of landscaping, including grassed areas and planting. This gives a spacious and green feel to the development and retains the established character along Balcombe Road, and is complementary to the Steers Lane frontage.
- 6.38 Taking these principles which have been established for Forge Wood, it is considered that for this site the retention of the treed landscape is required at the Steers Lane/Balcombe Road junction. Your officers are of the view that the introduction of a 3 storey block of flats here is inappropriate, in this prominent corner which is one of the noisiest part of the site. It is considered that it would be more suitable to keep the trees in this area with additional landscaping, and parking could be sensitively incorporated into this area, without introducing unsympathetic built form.
- 6.39 Turning to the internal characteristics of the site itself, a notable feature is the belt of preserved trees and other vegetation that runs across the site from north to south. The illustrative layout shows this to be retained as a central North-South Green Corridor, and would incorporate an informal trim trail and nature/adventure walk as the play space features of the scheme. The principle of this is welcomed, but it is considered that the built development needs to be set further away from the trees to give a wider corridor and a more spacious setting to this part of the site and it should have a more organic form and layout.
- 6.40 It is considered that the submitted scheme fails to respect these natural and built elements present within the locality and on the site and as required by policies CH2, CH3, CH7 and ENV1, together with the Green Infrastructure SPD. It has not been shown, even on an illustrative basis, that the submitted scheme could be brought forward on the site in a way that is compliant with these policies.

Open Space and Recreation Provision

- 6.41 Policy ENV5 and the Green Infrastructure SPD relate to open space and recreation provision. The facilities required would be play space, amenity green space, outdoor sports space and allotments. Following the receipt of draft proposals, your Officers had requested further clarification on the detail of what was being proposed so that this could be more fully assessed.
- 6.42 The illustrative material for this submitted with the amended package of plans comprises an explanation in the covering letter, the Design and Access Statement, the Landscape Vision Document, an illustrative Landscape Masterplan and 4 vignettes of various aspects, namely communal gardens, open space, play proposals and entrance detail.
- 6.43 However, the Landscape Masterplan has not been changed from the draft version and the details between the various documents and plans is repeated, and so effectively these contain little new material. The proposals cross over the various categories of open space and also include elements that are more landscaping or amenity areas than open space, such as private gardens and their associated planting, street trees and grass verges. So it is concluded that they should not be counted against the open space and recreation requirements.
- 6.44 The play space proposals are shown on the illustrative details and comprise an informal trim trail and nature/adventure walk, rather than the more usual formal children's play area. They are placed adjacent to the belt of preserved trees and vegetation that runs across the site from north to south, and this part of the site is labelled as the central North-South Green Corridor. Amenity Services have advised that this seems to be well thought out and the provision of equipment seems appropriate in the context of the large play area already in place in the existing Forge Wood development. Comments are made about the proposed materials, range of equipment and planting species. These aspects could be addressed at reserved matters stage and via conditions/s106 agreement.
- 6.45 It is important however to also consider the play facilities in their context of the central North- South Green Corridor element of the site and comments about these urban design aspects of the wider layout are set out in the earlier section of this report at paragraph 6.39.
- 6.46 Amenity green space is shown around the SUDs feature in the western corner of the site and is shown on the illustrative details to comprise grassland areas with wildflower planting, paths with shrubs and tree planting. Amenity Services consider this one area to be well thought out but state that more green spaces are required in the northern and eastern part of the development.
- 6.47 The communal gardens around the flats in the southern tip of the site are also being put forward by the applicant as allotment gardens, as well as a contribution. However, officers are of the view that these areas are really more amenity areas for the flats. In addition, the listed details, such as raised beds or sheds, are not shown on the illustrative material and so do not demonstrate allotment facilities, rather the illustrations show communal external amenity space for the flats, with planting and landscaping.
- 6.48 The submitted documents state that the management of the open space and green corridor would be via management companies. It states that it is envisaged that the majority of the open spaces would be accessible to new and existing residents unless there was a need to limit accessibility for safety or for flat dwellers only with no private gardens. This would need to be clarified, especially as what is meant by 'new and existing residents' and how this would relate to the open space areas, as these would be expected to serve the wider community, and as distinguished from the external amenity spaces which would serve specific units. This latter aspect could also be addressed in any detailed layout, to ensure that sufficient and defensible amenity space was provided for the residential occupiers.
- 6.49 With regard to outdoor sports space, none is proposed on the site and the appellant sets out that it could be covered by a contribution towards off-site facilities. Amenity Services have advised that some further informal opportunities for sport and recreation would be an important addition to the scheme. It should be noted that the land to the immediate north of the site, which is blue land (land

in the ownership or control of the applicant) could be used to provide such facilities and detailed suggestions were given to the applicant of the type of provision that could be shown, such as kick about areas. However, this option has not been pursued by the applicant. As no clear justification as to why this land could not be used for this purpose has been forthcoming, it is not considered that a contribution is justified, in lieu of on-site provision. In this regard the northern land is within the aviation noise contour where residential development is unacceptable in principle, and so proposals for open space here would be an effective use of this land.

- 6.50 Local Plan Policy ENV5 and the Green Infrastructure SPD requires on-site provision of outdoor sports space on the larger housing sites, subject to their characteristics and location. In this case, the site is a undeveloped 'green field' site and it is considered that the outdoor sports space requirement should either be provided on the site itself or on the adjoining 'blue land' to the north and no valid explanation for not including it has been forthcoming. Thus inadequate provision to support the 185 housing units is being proposed on the site/the adjoining land and the case for contributions has not been made. It is therefore maintained that the higher figure of 185 is units well above that set out in the Housing Trajectory for the Local Plan and the main layout needs to include more open space facilities.
- 6.51 Thus in respect of all the aspects of open space, it is not considered that the illustrative details demonstrate that the facilities would accord with the policy requirements as set out in Policy ENV5 and the Green Infrastructure SPD.

Trees/Ecology/Archaeology

- 6.52 The application has been submitted with an Arboricultural Impact Assessment (AIA), ecology reports and a heritage report (covering archaeological issues).
- 6.53 With regard to trees, the development of the site, especially the insertion of the access into the Steers Lane frontage would see the loss of a number of trees, some of which are the subject of a Tree Preservation Order. This would involve a total of 17 individual trees, six groups and part of three further groups of trees to facilitate the proposals. Whilst the loss of any tree is regrettable, the site is part of the Forge Wood housing allocation and so residential development on this land is acceptable in principle, subject to compliance with the other Local Plan policies. Thus its inclusion in the Local Plan would have taken this situation into account, balanced against the need to provide housing in the Borough. The site is not ancient woodland and the majority of the trees within the site itself are relatively immature self-seeded specimens.
- 6.54 The Landscape Vision Document and associated plans show illustratively how the site could be landscaped, with new and replacement trees and other planting. Whilst there are concerns about the adequacy of this document in terms of open space (see paragraphs 6.43 – 6.47 above) and the document is very broad brush, it does indicate at a very high level the intention to provide for landscaping. The precise details, including the details of tree planting, together with replacements for those removed, would need to be set out in a full landscaping scheme and management plan for the site as a whole and this could be addressed through relevant conditions and a s106 agreement for tree mitigation contributions.
- 6.55 The Arboricultural Officer has no objections to the tree removal to facilitate the access point and associated works, subject to conditions and the relationship of the trees to the actual construction of the development as shown on the illustrative layout is considered to be suitable subject to the recommendations as set out in the AIA. However, this is to be distinguished from the concerns about the layout as whole and its relationship and setting to the trees, from a visual and character point of view as set out in earlier paragraphs regarding the sylvan character of the two road frontages and their intersection at the south eastern tip of the site, and in terms of the internal layout, namely the central green corridor.
- 6.56 With regard to archaeology, it is considered that the site has a moderate archaeological potential. It is not therefore considered that the development would cause significant archaeological impact. A programme of trial trenching is recommended which would inform the scope of further archaeological mitigation if required. This can be achieved via a condition.

- 6.57 In terms of ecology, the principle of the loss of this countryside and habitat has been accepted by the allocation of the site for housing in the Local Plan. Natural England have no objection. The Ecology Officer comments that the site contains very young developing woodland that has arisen since 2000. As such it is of relatively low, but not negligible value. Its loss would diminish the local biodiversity value of the site and so justifies compensation in line with Policy 175 of the NPPF. Retention, enhancement and management of the woodland within the northern part of the site would offset any loss and would ensure the net gains required under the NPPF are fulfilled. Subject to this being secured, planning policy requirements can be met in terms of the woodland habitat. It is considered that this can be achieved by inclusion in the s106 agreement.
- 6.58 Other biodiversity issues can be addressed by conditions relating to protection and mitigation measures for wildlife and habitat during construction, a wildlife-sensitive lighting plan and details of habitat enhancements and management.

Noise Issues

- 6.59 Local Plan policy ENV11 seeks to manage the relationship between noise sensitive development and noise sources. Residential development will be permitted where it can be demonstrated that residents will not be exposed to unacceptable noise disturbance from existing or future uses.
- 6.60 For this site the sources are aviation noise (including the potential wide-spaced southern runway) and road noise, especially from Balcombe Road. For transport sources the unacceptable level is where noise exposure is above 66dB and residential development in such circumstances would be unacceptable in principle.
- 6.61 The Local Plan identifies the aviation noise contours and the 66dB contour runs to the north of the red line boundary of the application site. This site thus lies below the 66dB contour where residential development is unacceptable in principle. The blue land however, is affected by the contour.
- 6.62 Thus from an aviation noise point of view residential development on the application site is acceptable in principle. The site will still be subject to aviation noise pollution, just at a lower dB level, which can be mitigated, and because it is aircraft noise and comes from above, it affects the whole of the site. So for aircraft noise, the overall layout is not the issue, rather it is the individual design of the units and the ventilation system – which can be covered by condition and associated detail at RM stage.
- 6.63 Turning to road noise, the original plan was unacceptable due to the noise levels (road sources combined with aviation sources) affecting dwellings fronting Balcombe Road which exceeded the 66dB maximum exposure levels. The layout has been revised, including the dwellings set back further from Balcombe Road and indicative floor plans have been provided which do not have any habitable rooms facing the road.
- 6.64 However, those floorplans do not comply with the internal space standards. It is not therefore considered that the units as shown would be suitable and policy compliant. With this and combined with the garden sizes and other issues, the illustrative layout has not clearly demonstrated that scheme would provide a high quality layout which would deliver a high standard of environment and quality of life for new and existing residents, especially with regard to the noise environment as required by Policy ENV11.

Surface Water Drainage

- 6.65 The site is at a low risk of surface water flooding and the drainage strategy for the development includes the use of a Sustainable Drainage System (SuDS), including permeable pavements, swales and detention basins, to control the surface water from this development. The WSCC Surface Water Drainage officer advises that this method would in principle, meet the requirements of the NPPF and associated guidance documents. Conditions would be required for the detailed surface water drainage designs and for full details of the maintenance and management of the

SUDs system, which should be set out in a site-specific maintenance manual. The CBC Drainage Officer has no objections.

Sustainability

6.66 The submitted planning statement and DAS cover climate change mitigation and adaptation. The principle of deciding the overall energy strategy for the site at reserved matters stage is acceptable as the reserved matters would include scale and layout, which would have significant implications for the environmental performance of the development and which would not be known at this stage. The options for district/community energy as required by Policy ENV7 would require the safeguarding of space for a potential energy plant. Whilst this is not currently shown on the illustrative layout, there are a variety of options that could be pursued for district/communal energy. In these circumstances it is considered that the matters of energy strategy, climate change and adaptation measures and water efficiency are addressed by relevant conditions.

Air Quality

6.67 The site does not lie in an Air Quality Management Area, but sites of this size are required to submit an Air Quality Assessment. The submitted details concludes that during the construction phase there would be a medium effect, but during the operational phase the impact would be negligible. However, an Emissions Mitigation Assessment would however be required to calculate the damage cost of emissions from this development and determine the value of mitigation. This allows the cumulative impacts on air quality from individual sites in local areas to be identified. This can be addressed by a condition and would require mitigation measures to deal with emission impact associated with the development.

CIL and S106 Requirements

6.68 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 came into effect on 17th August 2016 and is relevant to this application for new residential units. The charge for residential within the borough-wide zone is £100 per sqm subject to indexation. Should planning permission be granted, an Informative can be attached to the decision notice to inform that this development constitutes CIL liable development which is a mandatory charge on development.

6.69 In respect of site specific requirements a s106 Agreement would be needed to secure the following aspects:

- Affordable Housing – 40% onsite provision in accordance with an agreed mix and 10% low cost housing
- Open Space - onsite provision - play space, amenity green space, and community gardens/allotments, plus the subsequent management and maintenance of these facilities
- Open Space – off site provision – contributions towards outdoor sports space and allotments
- Landscape and Ecological Management and Maintenance Plans, including land to the north
- Tree Mitigation - on-site provision and contribution
- SuDS Management and Maintenance Plans
- Highway Works:
 - Site access junction
 - New bus stop poles and real time passenger information equipment (contribution of £20,000)
 - Public Footpath works
 - Management and Maintenance of highway infrastructure not offered for adoption

6.70 With the co-operation of the appellants, these affordable housing and infrastructure provision matters could all be resolved through the completion of a section 106 Agreement prior to the Inquiry. However at the time of writing this report a completed section 106 Agreement has not been

concluded and so in these current circumstances, the proposed development is contrary to Policies IN1 and H4 of the Local Plan, the Affordable Housing SPD, the Green Infrastructure SPD and the Developers Contributions Guidance Note.

CONCLUSIONS:-

- 7.1 It is contended that it has not been satisfactorily demonstrated that this outline application for 185 dwellings would achieve a standard of development that would be policy compliant in all respects to deliver a high quality living environment and reflect and respect the character of the area.
- 7.2 It is also concluded that it has not been demonstrated satisfactorily how the provision of affordable housing and infrastructure requirements arising from the development will be secured. Should a s106 Agreement be concluded prior to the Inquiry the 2nd reason for refusal would be overcome.

RECOMMENDATION RE: CR/2018/0894/OUT

- 8.1 That the Planning Committee notes and **RESOLVES** that should a formal recommendation have been made to the Planning Committee, it would have been one of refusal for the following reasons:
 1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the 185 dwellings proposed in this outline application can be accommodated on the site in an appropriate and attractive layout that is policy compliant, especially in terms of space standards, garden sizes, parking, housing mix requirements, affordable housing provision, open space and the noise environment and provides for a high standard of environment and quality of life for new residents, and reflects and respects the character of the area, having due regard to the constraints and opportunities that apply to this site. The proposal therefore conflicts with Policies SD1, CH1, CH2, CH3, CH5, CH6, CH7, H1, H3, H4, ENV1, ENV5, ENV11, IN4 of the Crawley Borough Local Plan 2015 – 2030 and the guidance set out in the Urban Design Supplementary Planning Document, Green Infrastructure Supplementary Planning Document, and the relevant paragraphs of the NPPF including 122, 124 and 127.
 2. No agreement is in place to ensure that the appropriate affordable housing and infrastructure needs required to support the development are secured. The proposed development is therefore contrary to Policies IN1 and H4 of the Crawley Borough Local Plan 2015 -2030, the Green Infrastructure SPD, the Affordable Housing SPD and the Developers Contributions Guidance Note.

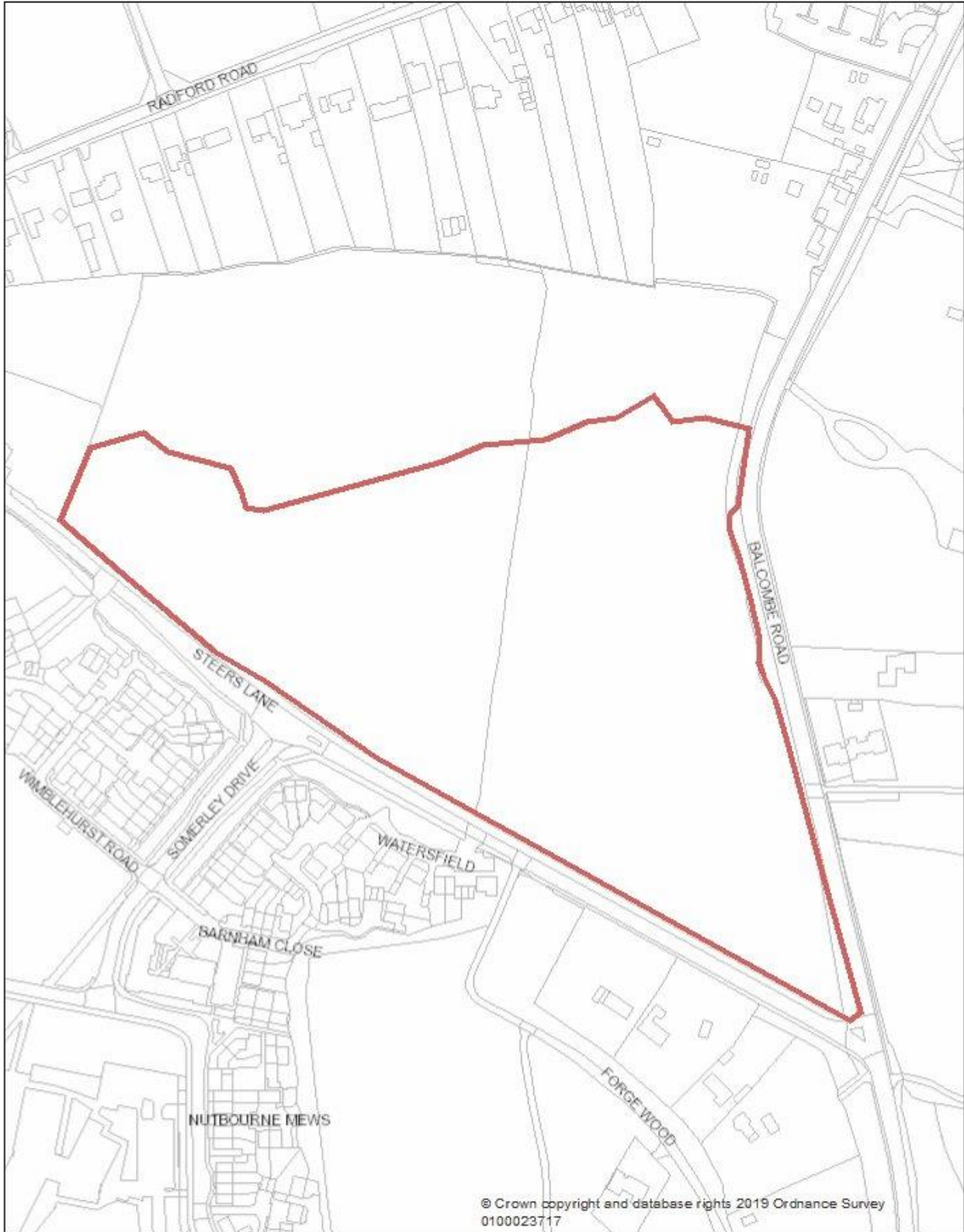


ArcGIS Web Map

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



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