

REFERENCE NO: CR/2021/0621/OUT

LOCATION: [CAR PARK, STATION WAY, NORTHGATE, CRAWLEY](#)
WARD: Three Bridges
PROPOSAL: OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE CAR PARK TO FORM MIXED USE RESIDENTIAL (INDICATIVE 15 FLATS) AND COMMERCIAL SCHEME AT GROUND FLOOR.

TARGET DECISION DATE: 14 January 2022

CASE OFFICER: Mr H. Walke

APPLICANT'S NAME: Simco Homes Ltd
AGENT'S NAME: Urbana Town Planning Limited

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
21-10	A	Proposed ground and first floor plan
21-15	A	Proposed roof plan and existing levels
21-12	A	Proposed north and south elevations
21-14	A	Proposed construction details
21-13	A	Proposed Site Plan
21-11	A	Proposed second, third and fourth floor plan and end elevations

CONSULTEE NOTIFICATIONS & RESPONSES:-

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| 1. | GAL Aerodrome Safeguarding | No objection subject to conditions |
| 2. | Network Rail | Objection on railway safety grounds |
| 3. | WSCC Highways | Comments provided |
| 4. | National Air Traffic Services (NATS) | No safeguarding objection |
| 5. | Thames Water | No objection subject to condition |
| 6. | Police | Comments provided |
| 7. | CBC Drainage Officer | Comments provided |
| 8. | CBC Housing Enabling & Development Manager | Objection |
| 9. | CBC Planning Arboricultural Officer | No response received |
| 10. | CBC Contaminated Land Officer | No response received |
| 11. | CBC Environmental Health Officer | Comments awaited |
| 12. | Crawley Cycle & Walking Forum | Comments provided |
| 13. | CBC Refuse & Recycling Team | Comments provided |
| 14. | Southern Water Ltd | Comments provided |
| 15. | CBC Energy Efficiency & Sustainability | Comments provided and condition recommended |
| 16. | CBC Retail & Employment | No objection |
| 17. | CBC Urban Design | Objection on design and overdevelopment grounds |
| 18. | Listed Building Officer | Objection on heritage grounds |
| 19. | Archaeology Officer | Comments provided and condition recommended |
| 20. | WSCC Lead Local Flood Authority | Comments provided |
| 21. | CBC Countryside & Open Space | No response received |
| 22. | CBC Air Quality Management Officer | Comments provided |

23.	Central Crawley CAAC	No response received
24.	Arora Management Services Ltd	No response received

NEIGHBOUR NOTIFICATIONS:-

The application was advertised by a site notice, press notice and consultation letters, with a consultation deadline of 17 November.

RESPONSES RECEIVED:-

One objection from a Crawley resident has been received raising concerns about the proposal being adjacent to a busy road, railway lines and the level crossing, being a health hazard due to noise and pollution from trains and traffic, objects falling onto the railway line and due to lack of car parking.

REASON FOR REPORTING TO COMMITTEE:-

The application is for 'major' development.

THE APPLICATION SITE:-

- 1.1 The application site contains a surface car park providing eleven car parking spaces. The site lies on the junction of High Street and Station Way. The existing vehicular access is at the western end of the site, close to the High Street junction, and the exit is at the eastern end of the site. To the west, across the High Street, is the Taj Mahal restaurant. The application site's use has been to serve as a car park serving the restaurant. It has an area of 0.05 hectares.
- 1.2 Station Way is one way at this point, with three westbound lanes. There are traffic lights, a pedestrian crossing and traffic island to the north of the application site. The southern vehicular lane on Station Way turns to provide access southwards along the High Street, over the railway level crossing and then onwards to Brighton Road. The two northern vehicular lanes turn northwards up the High Street and lead onto other parts of the town centre. There is also a cycle lane in the middle of Station Way, which provides access to advanced stop lines for travel in both directions at the High Street junction.
- 1.3 To the south of the site is the Crawley to Horsham railway line, with a Network Rail owned strip of land between application site and the railway line itself. This Network Rail land contains a telecommunications mast. The Taj Mahal restaurant and the service yard for Asda supermarket lie to the west. There are commercial premises and flats to the north across Station Way.
- 1.4 The railway signal box to the south west is a Grade II listed building and the Brighton Road conservation area lies to the south of the railway line. The application site lies within an Archaeological Notification Area based upon the settlement of Medieval Crawley.
- 1.5 The site is within a defined railway buffer area that extends 10m from the railway land along the length of the line. The site is shown on Council records as being potentially contaminated. The site lies within the Local Plan's Town Centre boundary and within a Priority Area for a District Energy Network. It also lies within the Long Distance View Splay from Tilgate Park.

THE PROPOSED DEVELOPMENT:-

- 2.1 Outline planning permission is sought for redevelopment of the site to form a mixed use residential and commercial scheme. Access, appearance, layout and scale are to be approved at this stage, with only landscaping reserved for future consideration.
- 2.2 The building would contain 15 flats (8 one bed and 7 two bed) within a five storey building at its eastern end, dropping to four, then three, then single storey towards the level crossing. The ground floor would contain 95.3 square metres of commercial (Class E) floorspace. No vehicle parking is proposed on site, with a single, shared surface loading bay shown on the public highway to the north. The proposed building almost entirely covers the site. The submitted drawings misleadingly show the land to the south as a 'Proposed Landscaped Area.' This land is not within the applicant's control, it is owned by

Network Rail and part of the adjoining Station Gateway development. Residents of the proposed development subject of the current application would have no access to this land.

2.3 In support of the application, the applicant has submitted the following documents:

- Planning Statement/Design and Access Statement (August 2021)
- Built Heritage Statement (July 2020)
- Archaeological Report (August 2020)
- Sustainability and Energy Statement (June 2020)
- Arboricultural Report (July 2020)
- Transport Statement (June 2020)
- Delivery and Servicing Plan (June 2020)
- Preliminary Risk Assessment Report (June 2020)
- Viability Assessment (July 2020)
- Air Quality Assessment (June 2020)
- Noise and Vibration Impact Assessment (August 2020)
- Drainage Strategy and SUDS Appraisal (August 2020)

2.4 The location plan fails to accurately show the application site as it does not include the proposed loading bay. However, notice has been served on West Sussex County Council Highways team, as landowner, and it is not considered that the applicant is prejudiced by considering the application as it stands.

2.5 The Planning Committee refused a previous similar scheme on this site in 2021. In response to the refusal, the current proposal incorporates a number of amendments. The applicant states that the amendments have:

- *“Rearranged the ground floor bedrooms away from north elevation*
 - *Placed kitchens against north elevation instead of ground floor units.*
 - *Remove ground floor windows from the residential units and re-orient habitable rooms towards south elevation; replace with green wall on ground floor north elevation.*
- *Moved the communal lobby to the north elevation*
- *Green wall added on the east and west elevation walls, as well as along ground floor of north elevation.*
- *Changed balcony doors to sliding doors, in line with comments from the previous case officer.*
- *Additional cycle stands in front of proposed commercial unit. As well as the internal cycle parking provision, there is now a total of 38 total bike stands.*
- *Re-orient the west end balconies on first floor and second floor to face south-west instead of north-west. Additional green wall is also provided where the balcony voids were previously located.”*

PLANNING HISTORY:-

3.1 CR/2020/0589/OUT – Outline application for the redevelopment of car park to form mixed use residential with indicative 15 units and commercial scheme. Refused 13 January 2021 for the following reasons:

1. The proposed development, by reason of its site coverage, layout, scale, massing, relationship to adjoining sites and proximity to Station Way, represents substantial overdevelopment of the site and is contrary to policies CH2 and CH3 of the Crawley Borough Local Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
2. The proposed development, by reason of its siting, design, massing, scale and external appearance, would form a dominant and unattractive building that would fail to respect the existing or proposed Station Way streetscene. There would be no opportunity to soften the building through the use of landscaping and its set back from the Station Way carriageway is totally inadequate. It represents a wholly unacceptable form of development and is contrary to policies CH2 and CH3 of the Crawley Borough Local

- Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
3. The proposed development, by reason of the orientation of the flats and their amenity space, together with their proximity to Station Way, would suffer an unacceptable loss of privacy, provide extremely poor outlook and provide inadequate natural light and sunlight to windows and balconies. As such, the proposal would fail to create a satisfactory residential environment for future residents contrary to policies CH3 and CH5 of the Crawley Borough Local Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
 4. The applicant has provided insufficient evidence to demonstrate to the satisfaction of the Local Planning Authority that the occupiers of the proposed noise sensitive residential (C3) development would not suffer significant disturbance and be harmed by noise from nearby road and railway sources. The applicant has also failed to demonstrate that acceptable mitigation can be put in place to address these significant noise concerns. The proposed development is therefore contrary to policy ENV11 of the Crawley Borough Local Plan, the National Planning Policy Framework and the Noise Policy Statement for England.
 5. The proposed development would have an unacceptable and overdominant relationship to the development proposed on the adjoining allocated Station Gateway site and would dominate and overlook the landscaping area to the south. It fails to take a comprehensive approach to development in this area. The proposal is contrary to policies CH2, CH3 and CH4 of the Crawley Borough Local Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
 6. The proposed development, with its lack of on-site vehicle parking, below standard cycle parking and reliance on a single loading bay, fails to provide for the vehicular traffic that it would generate. Insufficient evidence has been submitted to demonstrate that the proposed servicing arrangements could operate satisfactorily without adversely affecting either the free flow of traffic along Station Way and over the level crossing or the safe movement of passing pedestrians and wheelchair users. The applicant has failed to demonstrate that the proposal would not affect the safe and acceptable operation of the nearby railway level crossing. The proposal is therefore contrary to policies IN1, IN3 and IN4 of the Crawley Borough Local Plan, the parking standards set out in the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
 7. The applicant has failed to demonstrate that the proposed residential refuse and recycling arrangements would be suitable to enable the development to meet its own operational needs, taking into account the orientation of the store, the required container sizes and the travel distance to the loading bay. The proposal is thus contrary to policies CH3 and IN1 of the Crawley Borough Local Plan 2015-2030.
 8. The proposal would not make any provision towards affordable housing, despite the significant and demonstrated need in Crawley. Non-viability of the scheme has not been demonstrated. The proposed development is therefore contrary to policy H4 of the Crawley Borough Local Plan 2015-2030, the Affordable Housing Supplementary Planning Document and paragraph 64 of the National Planning Policy Framework.
 9. 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 the Green Infrastructure Supplementary Planning Document.
 10. The proposed development, by reason of its location, proximity, siting, bulk and massing, would adversely affect views of and the setting of the Grade II listed signal box, the locally listed Nightingale House and the Brighton Road conservation area contrary to policies CH12, CH13, CH14 and CH15 of the Crawley Borough Local Plan 2015-2030.

3.2 The subsequent appeal was dismissed on 24 November 2021. The Inspector stated:

"41. I have concluded that the proposal would be contrary to development plan policies relating to design, character and appearance, the living conditions of future occupiers, highway safety, open space, and trees. Notwithstanding those matters where I have not found conflict with the development plan, including in relation to the historic environment, the range and extent of conflicts is such that the proposal should be regarded as being in conflict

with the development plan as a whole. This conclusion would be the same whether or not the absence of affordable housing was found to be justified on viability grounds.

42. I have had regard to the fact that the proposal would deliver new housing and commercial floorspace, making more effective use of land in an accessible location on the edge of the town centre. However, this does not outweigh the conflict with the development plan that I have identified. Accordingly, the appeal should be dismissed.”

3.3 Whilst the Inspector did not support the Council's reasons for refusal on heritage or safety in relation to the railway crossing, he supported the conclusions on every other issue raised in the ten reasons for refusal set out above.

3.4 Although the issue arose after the appeal had been lodged, the Inspector also supported the Council's view that the proposal was unacceptable on water neutrality grounds. He stated:

“Natural England's position statement was issued quite recently so this matter has not been addressed in the application documents or in the appeal documents. Nevertheless, as this matter is now at appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). It appears to me that, in the absence of mitigation measures, I cannot exclude the possibility that this proposal would have a significant effect on the Arun protected sites, either alone or in combination with other plans and projects.”

3.5 There is little other planning history on the site, with the following two applications being the only recent ones:

- **CR/2017/0593/FUL** – Installation of mobile hot food takeaway van. Two year temporary permission granted 1 September 2019.
- **CR/2014/0739/FUL** – Installation of a self-contained coffee outlet based within a converted 6m ISO shipping container. Two year temporary permission granted 29 January 2015.

3.6 The adjoining Overline House/Station Gateway site to the east has the following relevant planning history:

- **CR/2019/0602/ARM** – Approval of reserved matters pursuant to CR/2016/0294/OUT for residential led mixed use redevelopment (multi deck car park removed from scheme). Current undetermined application.
- **CR/2016/0294/OUT** – Outline application (All matters reserved) for demolition of existing office building and integrated railway station building, footbridges and ancillary structures. Erection of 308 studio, 1, 2 and 3 bedroom residential apartments and associated parking (C3 use class); integrated railway station building, footbridges and ancillary structures; flexible use retail/coffee shop/business centre (A1/A3/B1 use classes); 120 space multi-deck station car park, vehicle drop-off lay-by and associated highway works and public realm enhancements. Approved following completion of S106 agreement 16 August 2016.

PLANNING POLICY:-

National Planning Policy Framework (July 2021)

4.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. 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 economic, social and environmental.

4.2 Section 4 – ‘Decision Making’ states that Local Planning Authorities (LPAs) should approach decisions on proposed development in a positive and creative way. It also recommends that applicants should take advantage of pre-application discussions. Paragraph 47 confirms the statutory requirement for decisions to be made in accordance with the development plan and as quickly as possible. Local Planning Authorities should consider whether development can be made acceptable

through conditions or obligations. Paragraph 58 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.

- 4.3 Section 5 – ‘Delivering a sufficient supply of homes’ emphasises the need to boost housing supply and for the planning system to deliver a sufficient supply of homes, including affordable housing. Paragraph 63 states that, where a need for affordable housing is identified, policies should specify the type required and expect it to be met on-site unless alternative contributions can be robustly justified or an agreed approach creates mixed and balance communities. Paragraph 65 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.
- 4.4 Section 6 – ‘Building a strong, competitive economy’ states that planning decisions should allow businesses to invest, expand and adapt. Section 7 – Ensuring the vitality of town centres highlights the role that town centres play at the heart of communities.
- 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 112 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 119 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 124 and 125 seek to ensure efficient use through 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 130 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 174 states that development should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 states *“opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.”* Paragraph 185 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.

Crawley Borough Local Plan (2015-2030) (adopted December 2015)

4.10 The Development Plan for Crawley is the Crawley Borough Local Plan 2015–2030 (adopted December 2015). The following Local Plan policies are relevant to this application:

- Policy SD1: Presumption in Favour of Sustainable Development. This overarching policy 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 seeks 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 CH8: Important views requires that the important views identified on the Local Plan Map should be protected and/or enhanced and development proposals should not result in a direct adverse impact or lead to the erosion of these views. The site is within the Long Distance View Splay from Tilgate Park.
- Policy CH12: Heritage assets states that all development should ensure that Crawley's designated and non-designated heritage assets are treated as a finite resource, and that their key features or significance are not lost as a result of development.
- Policy CH13: Conservation Areas states all development within a conservation area should individually or cumulatively result in the preservation or enhancement of the character and appearance of the area. A Heritage Impact Assessment should be submitted in support of proposals. The policy also states that there may be structures within conservation areas that do not contribute positively, for which a case for demolition will be considered on a case-by-case basis.
- Policy CH15: Listed Buildings and Structures requires works to listed buildings to be consistent with their character, appearance and heritage value. A Heritage Impact Assessment should be submitted to demonstrate how listed buildings will be protected.
- Policy EC1: Sustainable Economic Growth. Crawley's role as the key economic driver for the Gatwick Diamond will be protected and enhanced. To ensure that Crawley's recognised economic role and function is maintained and enhanced the council will: i) Build upon and protect the established role of Manor Royal as the key business location (B Use Classes) for Crawley at the heart of the Gatwick Diamond; and ii) Ensure that the town's Main Employment Areas are the focus for sustainable economic growth.
- Policy EC4: Employment Development and Residential Amenity seeks to ensure that residential development within Main Employment Areas does not constrain the economic function of the area.
- Policy EC6: Development Sites within the Town Centre Boundary states that sites within the Town Centre boundary provide an important opportunity to promote town centre viability in a sustainable location through mixed use development that meets the economic and housing needs of the borough.
- Policy EC7 (Retail and Leisure Development outside the Primary Shopping Area) sets out the approach, taking the NPPF Town Centre First principle, by which edge or out-of-centre proposals will be assessed.
- 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 ENV2: Biodiversity. All development proposals will be expected to incorporate features to encourage biodiversity where appropriate.

- 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 ENV7: District Energy Networks requires that any major development proposal should demonstrate whether it can connect to an existing DEN network 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.
- 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 ENV10: Pollution Management and Land Contamination. Where a site is known or suspected to be at risk from contaminants or materials that present a hazard to health, information must be provided detailing the methodology through which risks will be addressed, and ensuring the treatment and/or removal of all such contaminants and materials prior to the commencement of development.
- Policy ENV11: Development and Noise advises 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. To achieve this, this policy should be read in conjunction with the Local Plan Noise Annex.
- 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.

Noise Policy Statement for England

4.11 Also relevant as a material consideration is the Noise Policy Statement for England (2010). This sets out the Government's vision to:

"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development."

4.12 The Noise Policy Statement goes on to state the three national Noise Policy Aims:

"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:"

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.”*

Planning Practice Guidance

4.13 The Planning Practice Guidance provides further advice and states in paragraph 008:

“For noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development.”

Emerging Draft Crawley Borough Local Plan 2021 – 2037 (January 2021)

4.14 The Local Plan Review 2021-2037 was published for Regulation 19 consultation between 6 January and 30 June 2021 and therefore limited weight should be given to the following applicable policies:

- Policy SD1: Presumption in Favour of Sustainable Development
- Policy CL1: Neighbourhood Principle
- Policy CL2: Making Successful Places - Principles of Good Urban Design
- Policy CL3: Movement Patterns, Layout and Sustainable Urban Design
- Policy CL4: Compact Development – Layout, Scale and Appearance
- Policy DD1: Normal Requirements of All New Development
- Policy DD2: Inclusive Design
- Policy DD3: Standards for All New Dwellings (including conversions)
- Policy DD4: Tree Replacement Standards
- Policy HA1: Heritage Assets
- Policy HA2: Conservation Areas
- Policy HA4: Listed Buildings and Structures
- Policy OS2: Provision of Open Space and Recreational Facilities
- Policy IN1: Infrastructure Provision
- Policy IN3: Supporting High Quality Communications
- Policy EC1: Sustainable Economic Growth
- Policy EC2: Economic Growth in Main Employment Areas
- Policy H1: Housing Provision
- Policy H3: Housing Typologies
- Policy H3b: Densification, Infill Opportunities and Small Sites
- Policy H3c: Town Centre Residential Sites
- Policy H4: Future Housing Mix
- Policy H5: Affordable Housing
- Policy GI3: Biodiversity and Net Gain
- Policy SDC1: Sustainable Design and Construction
- Policy SDC2: District Energy Networks
- Policy SDC3: Tackling Water Stress
- Policy EP3: Land and Water Quality
- Policy EP4: Development and Noise
- Policy EP5: Air Quality
- Policy EP6: External lighting
- Policy ST1: Development and Requirements for Sustainable Transport
- Policy ST2: Car and Cycle Parking Standards

Supplementary Planning Documents

4.15 The following Supplementary Planning Documents are non-statutory documents supplementing the policies of the Local Plan and are applicable to this application:

Urban Design SPD (2016)

- 4.16 This SPD includes further guidance, examples and explanation of the principles of good urban design and public realm design.
- 4.17 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.
- 4.18 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.
- 4.19 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.
- 4.20 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.”*
- 4.21 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)

- 4.22 This SPD provides 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.

Town Centre SPD (2016)

- 4.23 Supports regeneration and development to promote the economic growth, vitality and viability of the town centre, which forms a sustainable location for development. In this case, the site is not specifically allocated, but is situated adjacent to the Station Gateway site.

Planning and Climate Change SPD (2016)

- 4.24 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)

- 4.25 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.

Brighton Road Conservation Area Statement (adopted April 2018)

- 4.26 This Statement identifies the northern part of conservation area as forming a key gateway into the town centre. It states that the area immediately south of the level crossing:

“significantly contributes to the overall townscape value of Crawley, providing a historic entrance to the town centre. There are four important ‘focal’ buildings – the Listed signal box, the locally listed Nightingale House, the Imperial Cinema and the Railway Hotel – which together provide the Conservation Area with its most notable group of historic buildings.”

- 4.27 The statement recognises that buildings in the key commercial frontages are urban in character and close to the pavement. In terms of new development, the Statement highlights the need to fit with the historic townscape or be of a modern subservient design. Proportions, height and enhancement of important features are also key issues to be considered.

Crawley Community Infrastructure Levy Charging Schedule 2016

- 4.28 The Crawley CIL Charging Schedule has been in effect since 17 August 2016 and is relevant to this application as the proposal would create new residential flats.

Developer Contributions Guidance Note (published July 2016)

- 4.29 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:-

- 5.1 The main issues for consideration for this planning application are:

- Principle of proposed development
- Design and heritage
- Housing mix and residential amenity for future occupants
- Impact upon neighbouring properties
- Highways, parking and operational requirements
- Sustainability
- Water neutrality
- Drainage
- Archaeology
- Noise and air quality
- Contamination
- Affordable housing and other infrastructure contributions

Principle of proposed development

- 5.2 The site lies within the Town Centre boundary defined by the Local Plan, but outside the Primary Shopping Area. The Local Plan recognises Crawley town centre as a sustainable and accessible location for a mix of uses, including residential and commercial. Policy H2 identifies the town centre boundary as a broad location for housing and one of the allocated Town Centre Key Opportunity Sites (Crawley Station and car parks) lies immediately to the east. The proposed residential use would

introduce activity to this part of the town centre throughout the day, including in the evenings, and could aid the vitality of the surrounding area. The principle of residential use of the site therefore seems acceptable and in accordance with national and local planning policy, although a number of significant and detailed concerns are set out below. The Inspector for the recent appeal raised no objection to the proposed uses.

- 5.3 The application proposes a 34sqm coffee shop and a 55sqm commercial unit on the ground floor. Although no sequential justification is provided for these, the application site is edge of centre and near to other main town centre uses in the High Street and Brighton Road. The Strategic Planning team has commented that Class E commercial uses broadly fall within the definition of Main Town Centre uses. They state that other nearby commercial uses and the scale of development proposed *“does not give rise to concerns of a significant negative impact on the town centre. The site is well connected to the Primary Shopping Area, and the presence of a limited amount of ground floor commercial is likely to generate activity in this part of the town centre, adding to its overall vitality and viability.”* On this basis, the ground floor commercial use is also considered acceptable in principle.
- 5.4 Despite the acceptability of the proposed uses, the development represents coverage of almost the entire site. On most sites, that level of development and site coverage would be totally unacceptable and this site is no exception. The applicant has had the benefit of pre-application planning advice, a previous refusal and the Inspector’s views in dismissing the appeal. Despite this, minimal change has been made to the proposal and it remains of extremely poor quality.
- 5.5 For the reasons set out below in more detail, the scheme would fail to create a satisfactory impact upon to the streetscene and would form a cramped and unacceptable form of development. There is an existing planning policy allocation and planning permission for development of the adjoining site to the east for 300 flats. The proposed development could prejudice that development coming forward, by virtue of its poor relationship to the proposed adjoining scheme. There is also a small area of land to the south which would be rendered undevelopable by the proposal. The scheme fails to take a comprehensive view or to consider adjoining sites. The excessive site coverage and the failure to reflect and satisfactorily address adjoining sites to the south and east is wholly unacceptable. As a result, and for the detailed reasons set out below, development in the form proposed is considered to be overdevelopment and therefore unacceptable.

Design and heritage

- 5.6 Detailed approval is sought for access, appearance, layout and scale as part of this outline application. The application includes elevation drawings and floor plans.
- 5.7 Station Way and the application site are not particularly attractive at present. Much of the south side of Station Way is used for surface car parking and the landscaping is fairly poor. Station Way though is a key focal point for regeneration in Crawley as part of the Growth Programme. Outline permission for 300 flats and a revitalised railway station has been granted and supporting major public realm improvements along Station Way have secured public funding. The intention is to transform the area into a more attractive and welcoming gateway to the town.
- 5.8 The proposed building would project forward of the adjoining Station Gateway proposal by approximately five metres. This would expose the majority of its five storey, windowless side elevation to anyone approaching from the east along Station Way. The bulk, dominance and lack of design interest of this elevation, together with the proposed building’s prominent location, is considered unacceptable in urban design and streetscene terms. To the rear, the building would sit hard on the boundary of an area of land currently proposed to be used as communal outdoor space for the adjoining Station Gateway development. The scheme’s relationship with both adjoining sites is very awkward, reflecting the excessive site coverage proposed.
- 5.9 The proposed five storey block would almost fully cover the application site and its walls would be located directly against the back edge of the Station Way pavement. The minimal space remaining along Station Way would need to be made available for use by pedestrians using or passing the site. The building would have a dominant impact upon this part of Station Way, as recognised by the Inspector for the recent appeal, who stated:

“To my mind the five storey block would appear as a very dominant structure, creating an enclosed and uncomfortable environment for pedestrians, with little space between the new block and the three traffic lanes on Station Way. Seen from further along Station Way, the eastern flank elevation would be particularly prominent, due to its position so close to the road. This would be the case whether or not the Station Gateway proposals come to fruition. It would not be an attractive feature, being a blank five storey elevation unrelieved by any fenestration or other architectural details, other than some variation in brick colour.”

- 5.10 The revisions made to the scheme in the current application have not altered the building's siting, bulk, massing or height. The excessively dominant relationship of the proposal to Station Way and the pavement remains unacceptable, despite the minor design revisions made in the current application.
- 5.11 There would be no opportunity for substantial landscaping around the building. The revised proposal does include proposed green walls in a panel from first to fifth floors on the west elevation, two panels from first to second floors on the west elevation and five ground floor panels on the north elevation. No details have been provided on how the green walls would be implemented, planted, irrigated and maintained. Successful green walls are difficult to achieve and these do not appear to involve planting within the ground. In this case, the north facing ground floor panels would receive no direct sunlight, two would be under the building's proposed overhang and they would face traffic fumes from Station Way. It seems highly unlikely that any vertical planting would be successful. The east facing, four storey may receive some sunlight, but it would be heavily overshadowed once the Station Gateway scheme is implemented. The applicant has provided no evidence to demonstrate that the green walls could be implemented successfully. In any case, even if the green walls were to soften the elevations slightly, they would do nothing to address the unacceptable dominance of the block in the streetscene. The overall lack of substantial vegetation, such as tree planting, would exacerbate the poor quality and dominant elevations and offer no softening or relief to the scheme. This would be unacceptable, particularly in a prominent and busy location like this.
- 5.12 The green wall panels on the north side of the building have resulted from the removal of ground floor windows for amenity reasons. Consequently, other than two doors to enter the flats, this elevation is blank at ground level. This would create a poor environment for pedestrians and fail to achieve an active frontage.
- 5.13 The detailing of the revised proposal remains very poor. As with other aspects of the scheme, revisions to address one previous area of concern have simply raised other new concerns. On the north elevation, for instance, windows and balconies have been removed to address privacy and disturbance to residential occupiers. The consequence though is that the north elevation, which was already poorly designed, now has fewer windows, no balconies and even less visual interest. The proposed windows seem to have no significant recess from the brickwork. This, combined with the siting on the back of the pavement, would create claustrophobic and an unacceptably flat/flush north elevation. The proposed roller shutter doors to the bin and cycle stores, whilst potentially addressing concerns about opening over the pavement and blocking its use, would create a poor quality blank appearance reminiscent of a service yard. Overall, the elevations are plain, unattractive and offer little relief or design quality.
- 5.14 The Council's Urban Designer objects to the current revised proposal, as he did to the earlier scheme. He raises concerns about overdevelopment and town cramming, lack of active frontage, no transition between public and private areas through some defensible space, the unlikelihood of the green wall being successful and the poor relationship to the Station Gateway proposals.
- 5.15 The site is in a sensitive location in heritage terms. The Brighton Road conservation area lies immediately to the south of the railway and the nearby signal box is a Grade II listed building. Nightingale House is a locally listed building. The site, whilst not particularly attractive, is open and has no above ground development. It is currently screened in views from south of the railway by the low level vegetation on the land between the site and the railway. Clearly the relationship would change if the proposed development were to proceed. The Inspector for the recent appeal did not support the previous heritage reason for refusal. The Council's Heritage consultant does object to the proposal though and considers that it would cause 'less than substantial' harm on heritage assets. Whilst officers do not consider that a heritage reason for refusal could be defended at appeal, the

'less than substantial' harm adds to wider concerns about the poor design and its harmful impact upon the streetscene.

- 5.16 The site lies within the Long Distance View Splay from Tilgate Park. The five storey height though would be viewed in the context of the town centre though and would not have a significant impact upon the long distance view.
- 5.17 Overall, the proposed scheme's layout, appearance, design, detailing and scale, despite the revisions made to the earlier proposal, remains extremely poor and totally unacceptable in this location. Refusal is recommended on this basis.

Housing mix and residential amenity for future occupants

5.18 The proposal would comprise seven 1 bedroom (1 person) flats, one 1 bedroom (2 person) flats and seven 2 bedroom (3 person) flats. Policy CH5 of the Crawley Borough Local Plan 2015-2030 states that the minimum size of all dwellings should equate to the Nationally Described Space Standards. These state that the gross internal floor area of a 1 bedroom 1 person unit should be at least 39 sqm, a 1 bedroom 2 person unit should be at least 50 sqm and a 2 bedroom 3 person unit at least 61 sqm. All of the units proposed would meet these floor areas. The proposal includes a mix of unit sizes. Although focussed on smaller units for 1-2 people, there are some larger, potentially family sized, units and the proposed mix is considered to accord with local policy.

5.19 Each flat would have a recessed balcony or roof terrace. These would comply with the minimum space requirements. The scheme has been amended since the previously refused scheme, so that all balconies/terraces are now on either the south or west elevations and would probably benefit from some direct sunlight despite being recessed. However, the south facing balconies would be located on the southern boundary of the site, directly adjoining the proposed Station Gateway communal garden and around nine metres from the railway line. They would be likely to suffer railway related disturbance and, for the two at ground floor level, sunlight could be blocked by the boundary treatment of the site immediately to the south. The amendments to the west facing terraces should ensure that they receive direct sunlight in the afternoon. Unfortunately, the west and south facing balconies would all be likely to suffer noise disturbance from the road, level crossing and railway. The Inspector for the recent appeal commented:

"The ambient noise level is well above the guideline figure for external open space. The noise assessment suggests that some attenuation could be achieved, through the use of solid balustrades. However, there are no such balustrades on the application drawings. Creating solid balustrades could adversely affect the appearance of the building, reduce natural light and make the recessed balconies feel even more enclosed. This is not a matter that should be controlled by a condition because the effects of the suggested mitigation are uncertain. I therefore attach limited weight to this suggestion and conclude that the external amenity areas would have limited amenity value because of the level of ambient noise that they would be subject to."

5.20 Whilst the revised scheme has addressed the Inspector's concerns about the north facing balconies, it has exacerbated the concerns about the south facing balconies in respect of railway noise and overlooking the proposed communal garden. Overall, despite meeting the minimum size requirements, the proposed outdoor private amenity space is considered to be of poor quality and to be contrary to Policies CH5 and ENV11 of the Local Plan and the content of the Urban Design SPD.

5.21 The proposal has been revised to address the previous concerns about the relationship of north facing habitable room windows to the pavement and traffic on Station Way. The Inspector for the appeal was clear that this relationship was unacceptable. The revisions eliminate ground floor windows on the north elevation. The two ground floor units would now be single aspect and south facing. For the south facing windows on the previous scheme, the Inspector commented:

"The windows and recessed amenity areas on the south side would be very close to the site boundary. Under current site conditions they would be hemmed in by tall fencing, trees and vegetation. If the Station Gateway development goes ahead, they would be liable to be obstructed by whatever boundary treatment or planting is included within the proposed

communal garden. In either scenario, the windows and recessed amenity areas would have a poor outlook and are likely to have limited natural light.”

- 5.22 Although north facing ground floor windows have been taken out of the scheme, the revisions mean that all ground floor windows and balconies would continue to suffer the unacceptable relationships identified by the Inspector. The applicant has no control over the boundary treatment or landscaping that might be retained or proposed for the communal garden. Clearly a solid boundary fence at two metres high and/or a line of vegetation would significantly enclose and overshadow the windows and balconies, even above ground floor level, which would be only 20-50 cm from the boundary. This could seriously restrict the natural light reaching the two ground floor flats and no BRE Daylight/Sunlight assessment has been submitted to demonstrate the acceptability of this aspect of the scheme. The ground floor units are also likely to suffer significant adverse impact through the operation of the plant room, refuse and cycle stores, including use of their mechanical roller shutter doors. One ground floor flat wraps around the bin store and is adjacent to the commercial unit and its bin store, the plant room and the lift. It seems likely to suffer considerable disturbance as a result.
- 5.23 On the upper floors, four bedrooms remain single aspect and north facing. No evidence has been submitted to show that these would benefit from adequate natural light and their outlook would be onto the busy Station Way.
- 5.24 Outlook from most flats would be poor, with the lower levels suffering particularly badly. The building would be located at the back of the pavement, offering no separation distance or scope for landscaping between the building and Station Way. Station Way at this point is busy and frequently the subject of queuing traffic due to the traffic lights and level crossing. To the south is an outlook onto a currently poorly landscaped area of land containing a telecommunications mast, with the railway beyond. Although the landscaped area may be improve as part of the Station Gateway proposals, the flats would generally suffer from an extremely poor outlook and lower units would probably gain little natural light. The proposal remains unacceptable on residential amenity grounds.

Impact upon neighbouring properties

- 5.25 There are existing residential properties to the north on the opposite side of Station Way in Bastable House. These have some south facing windows. These windows would be approximately 18 metres from the proposed building at the nearest point. The proposal would be three storeys high at this point. Although the distance falls below the 30 metre distance that would normally be sought between windows for buildings of this height, the relationship is across a busy street and there are similar relationships between residential properties in the vicinity. Some overlooking and possible overshadowing may result but, in this location, is not considered sufficient to warrant refusal.
- 5.26 To the south is the Railway public house, which has flats above. The distance between existing and proposed windows would be 23 metres. These are probably secondary windows to the flats and any views would be across the railway line. The proposal, as it lies to the north, would not overshadow The Railway public house. The relationship is considered satisfactory in residential amenity terms.
- 5.27 It is possible that residential use occurs on the first floor of the Taj Mahal restaurant, although the lawfulness of that has not been established. The window to window distance would again be around 23 metres and the relationship is considered similar to others in the vicinity.
- 5.28 The proposed Station Gateway development site lies immediately to the east. It has outline planning permission and there is a current undetermined Reserved Matters application for the block adjoining the current application site. The east elevation of the proposed building would have no windows. The proposed adjoining Station Gateway building would have side windows (to rooms primarily facing north), the nearest of which would be around four metres from the blank side wall of the proposal. Although these side windows are secondary in nature, the side elevation of the proposal, due to its height and projection forwards, would be visually dominant upon these flats and would block afternoon sunlight. The other side windows in the Station Gateway scheme would face onto the land between the current application site and the railway. This is proposed to form a communal garden for the Station Gateway residents. Although angled views may be possible between the current proposal and the Station Gateway building, this should not result in direct or unacceptable levels of overlooking.

- 5.29 However, the proposed south facing windows over five floors would directly overlook the proposed communal garden area to the south. Whilst less privacy can be expected in a communal garden, its users would certainly feel themselves overlooked. The Inspector for the recent appeal agreed with this concern, stating:

“The proposed building would be very close to the boundary of this space. It would have a cramped and awkward relationship with any boundary enclosures, planting or other features that might reasonably be expected here. The scale of the south elevation would dominate the garden area, making it a less attractive space for future occupiers of Station Gateway to use.”

In revising the previous scheme to address concerns about internal layout and residential amenity, the applicant has introduced a significant number of additional habitable room windows to the south elevation. These would further exacerbate the dominant and overlooking nature of the relationship of the proposed block to the proposed garden area to the south. The applicant's revisions have actually worsened this relationship.

- 5.30 Overall, the proposed development is considered to have a satisfactory relationship to existing neighbouring buildings in terms of overshadowing and overlooking. However, it has not been designed to properly take account of the proposed development on the allocated site to the east or the proposed garden area for the separate adjoining Station Gateway scheme to the south.

Highways, parking and operational requirements

- 5.31 The proposed scheme would provide no on-site vehicle parking. The Local Highway Authority raises no objection to the revised scheme. They consider it to be an accessible location and do not consider that the lack of vehicle parking raises highway safety issues, although state that the Local Planning Authority should further assess the impact of this. They confirm that there are parking restrictions in place on nearby roads.
- 5.32 A loading bay would be provided on the public highway to the north of the site, in a shared surface arrangement with the pavement. A small commercial bin store would be located immediately adjacent to the loading bay. This would house one container only, so makes no provision for recycling. A residential bin store is also proposed adjacent to the loading bay with five containers shown within it. The Council's Refuse and Recycling team is satisfied with the pull distances associated with the revised residential bin store location and also that there would be level access from the store to a vehicle in the loading bay. They do however have concerns about the operation and reliability of the roller shutter door proposed. The response confirms the Council policy of not collecting waste left outside the bin store. Provision of the bin store and loading bay could be secured through a planning condition and a legal agreement if the proposal was otherwise acceptable.
- 5.33 The Local Highway Authority does raise some concern about the loading bay and its relationship to the pavement. They state that, depending on where a vehicle parks, there would be 1.5 metres pavement width between the wall of the development and the vehicle. Planning officers measure this distance as only 1.3 metres. Either way, when the bay is in use, some obstacle to pedestrians is likely to result. The pavement width is already restricted by a line of bollards. Ideally two metres would be sought to allow for satisfactory wheelchair/pedestrian passing space. WSCC Highways require further details of the operation of the loading bay, safeguarding of land for pedestrian use and amendments to existing waiting restrictions. Given that the site would contain 15 flats and two commercial units with no off-street parking, planning officers consider the Local Highway Authority's view that the loading bay would generally not be in use to be optimistic. The applicant recognises in their Delivery and Servicing Plan that it would be used for postal and other deliveries, commercial and residential refuse collections, commercial servicing, maintenance vehicles and removals. It is also likely, even with controls in place, to be used by visitors and staff at the commercial unit and coffee shop as well as, on occasion, residents of and visitors to the flats. Even with restrictions in force, these would not be constantly enforced and some unauthorised parking is likely.
- 5.34 The applicant has submitted the same Delivery and Servicing Plan as was submitted with the previous application. Whilst useful in that these issues are being considered, it is considered unsatisfactory in a number of respects. The plan suggests that, if the lay-by outside the site is occupied, alternatives will be available outside the proposed Station Gateway development. The pull distances to the Station

Gateway lay-bys would though far exceed those required by the Refuse and Recycling team. Reference is also made to a number of issues, such as the use of quieter electric vehicles, over which the applicant has no control.

- 5.35 Station Way is one way so, by the time drivers were able to see that the application site's proposed loading bay is occupied, they would be beyond the proposed Station Gateway loading bays, unable to access them and committed to a left turn over the level crossing. A 3 kilometre drive along Brighton Road, Southgate Drive, Southgate Avenue and back along Station Way would be required to return to the same point. Clearly the temptation for drivers to simply park on the pavement or block the southern lane on Station Way would be considerable.
- 5.36 Whilst this site is in a sustainable town centre location where a low level of parking can be acceptable, the proposal is considered by planning officers to be unacceptable in parking terms due its specific siting on a difficult junction close to the level crossing. Any development generates a level of traffic movements and, for fifteen flats, a coffee shop and a commercial unit, this would be likely to be significant. The inability of vehicles to vacate the highway here is likely to exacerbate queues caused by the level crossing and may lead to the southern lane of Station Way being blocked. Other developments to the east along Station Way have incorporated a level of parking below the minimum standards, whilst not being car free, and it is considered that a scheme with no vehicle parking in this awkward location is not acceptable.
- 5.37 The amount of cycle parking has been increased to 38 spaces (26 internal spaces for residents and 12 external spaces near the level crossing). This number of spaces complies with the Council's standards. However, as pointed out by the Crawley Cycle and Walking Forum, the internal spaces are double stacked. There appears to be insufficient space to pull the top rack out and then manoeuvre a bike onto it, as the lower end of the top rack would be almost against the opposite wall of the store when extended. This layout is not acceptable and, given the very tight nature of the scheme, it is difficult to see how it could be easily resolved.
- 5.38 Network Rail has objected to the scheme again. They state that this *"proposal in its current form increases the risk of an accident at the level crossing, consequently it impacts Network Rail's legal duty to reduce risk at our level crossings so far as is reasonably practicable."* However, the Inspector commented in his appeal decision that *"the presence of the level crossing is indicated by a road sign. Moreover, I saw that traffic movements around the junction are controlled by traffic signals. There is no evidence that the current situation is unduly hazardous, and I note that the highway authority has not raised any concern in this regard. To my mind this is not a matter that weighs against the appeal."* WSCC Highways were asked for their views on this. They state that westbound drivers would have an unobstructed view of the traffic lights and level crossing road sign. They note that visibility for southbound vehicles of vehicles ahead turning right into Springfield Road is not great, but do not consider that the proposal would materially *"worsen the present situation."* Network Rail's comments on both the current and previous applications have welcomed further discussion with the applicant on possible mitigation of any increased risk. The applicant appears not to have addressed these serious concerns with Network Rail. Unfortunately, whilst planning officers understand the Network Rail concerns and consider that the proposal is likely to slightly worsen safety at the level crossing, in the absence of support on this from either WSCC Highways or the recent appeal decision, it would be difficult to sustain a reason for refusal.
- 5.39 Overall, the scheme fails to properly address pedestrian accessibility, servicing or parking requirements. It is considered unacceptable in transport terms as it stands. Refusal is recommended on this basis.

Sustainability

- 5.40 The applicant has submitted a Sustainability and Energy Statement. The report states that the scheme can achieve carbon reduction and energy efficiency measures in line with local policy. It also states that BREEAM Excellent for energy and water credits can be achieved and is targeted. Although a District Energy Network is not in place to serve the development, the proposed communal heating system could be connected at a later date. The dwellings would have water efficient fittings to meet local requirements.

- 5.41 The Strategic Planning team comment that the proposal offers some fabric efficiency measures, natural ventilation with extraction fans in wet rooms and a communal gas boiler system. No zero or low carbon energy sources are proposed. Whilst they accept that the scheme could achieve the minimum BREAAAM 'Excellent' energy and water standards, Strategic Planning comment that the *"modelled result of these measures is a relatively negligible improvement over Building Regulations CO2 emissions standards (just under 1% for the residential; 5% for the non-residential), although the potential for substitution of the communal gas boiler system with a District Energy Network connection or other heat source in future offers the prospect of future CO2 savings."*
- 5.42 Whilst further detail would be required by condition if the scheme were acceptable and the level of sustainability is fairly poor, it is considered that the application provides sufficient information to demonstrate that the scheme could meet the required Local Plan sustainability levels. Further details could be secured by condition and through a Reserved Matters application if the scheme were otherwise acceptable.

Water neutrality

- 5.43 Crawley is situated in an area of serious water stress, as identified by the Environment Agency. The majority of Crawley, including the application site, is served by Southern Water from its Sussex North Water Resource Zone. This water supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.
- 5.44 On 14 September 2021, the council received a Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Resource Zone is not having an impact on the Arun Valley sites. It advises that developments within this zone must not add to this impact.
- 5.45 Under the Conservation of Habitats and Species Regulations 2017, Crawley Borough Council is the Competent Authority and has a duty to consider the impact of development on protected species and habitats. These Regulations and the Natural England Position Statement require, as a matter of law, applications for planning permission in the majority of Crawley to demonstrate that they do not increase pressure on water resources and that they are "water neutral."
- 5.46 Despite the appeal decision stating that further information would be required, the applicant has submitted no information to address water neutrality. Clearly the change from the existing surface car park, with no water connection, to a development of fifteen flats and commercial space would significantly increase water usage on the site. The applicant has failed to quantify the likely increased water consumption or to offer any proposals to offset this. In the absence of any evidence to demonstrate water neutrality, the scheme would be likely to have an adverse impact upon the protected habitats. Refusal is recommended on that basis.

Drainage

- 5.47 The application site is not in an area at risk from flooding according to Environment Agency records. Thames Water responded that the applicant should follow the sequential approach to disposal of surface water. Thames Water approval would be required for surface water discharge to a public sewer. Groundwater discharges to a sewer should be minimised. No objection is raised on waste water infrastructure grounds. It is considered that drainage matters associated with the scheme could be satisfactorily resolved by condition if the scheme were otherwise acceptable. Southern Water raises no objection and provides advice on connecting to a water supply. The Council's Drainage Engineer raises no objection, but seeks further details regarding SUDS features. WSCC Surface Water Drainage officer makes similar comments.

Archaeology

- 5.48 The site lies within an Archaeological Notification Area based on the Medieval settlement of Crawley. The Medieval settlement was a focus for iron working and the site lies at its southern end. The applicant has submitted an archaeological assessment. The report concludes that no further work is needed, given the site's location at the southern bounds of the settlement, its small size and possible

subsequent physical impact on the site. The Council's Archaeological consultant does not accept the report's conclusions that no further work is necessary. However, she is satisfied that archaeological remains of a standard to warrant preservation in situ are unlikely and that a condition could be attached requiring agreement and implementation of a programme of archaeological investigation. This condition would have been recommended if the scheme were otherwise acceptable.

Noise and air quality

- 5.49 The applicant has submitted noise, vibration and air quality reports. The site lies in a noisy location, with three lanes of traffic running immediately to the north and trains running to the south. It is also close to the railway and level crossing. Traffic speeding up and slowing down, as caused by the traffic lights outside the site, can be particularly noisy. Comments from Environmental Health on the current application are awaited. However, previously Environmental Health raised a number of concerns about the applicant's noise report. The report has not been updated. Members will be updated further at the Planning Committee meeting, but Environmental Health's previous comments were that noise levels would be, at best, within the Significant Observable Adverse Effect level. Given the limitations of the survey work, they felt it was possible that the site would fall within the Unacceptable Adverse Effect Level, where development would be strongly resisted. Given the limited change to the scheme, it seems likely that Environmental Health will raise an objection on noise grounds again.
- 5.50 The Air Quality Management officer notes that the applicant's report concludes that pollutant concentrations for nitrogen dioxide and particulates are predicted to be below air quality targets at the building's façade. There are no longer ground floor windows on this façade. However, the Air Quality Management officer has some concerns about the modelling process and its accuracy. She states that "*there are sufficient uncertainties associated with dispersion modelling and the complexities of the application site to recommend a precautionary approach for this development on air quality grounds to reduce potential exposure to future residents.*" She recommends consideration of alternative design, layout, orientation, building line and openable windows as ways to reduce the potential adverse impact of poor air quality upon residents. Although there is little scope to revise a scheme covering the whole site, this could have been pursued with the applicant if the scheme were otherwise acceptable.

Aviation

- 5.51 GAL Safeguarding has raised no objection subject to a Bird Hazard Management Plan being agreed. They also seek an informative on the potential use of cranes. NATS raise no safeguarding objection. Subject to a Bird Hazard Management Plan, which could be addressed by condition, it is not considered that a harmful impact upon aviation safety would arise from the proposed development.

Contaminated land

- 5.52 The site was formerly used as railway land, with the original Crawley station being to the south. Adjoining land formed a wood yard and railway service yard. The applicant has submitted a Preliminary Risk Assessment suggesting that further intrusive investigation should be carried out. The same report was submitted with the previous application. The Contaminated Land officer previously reviewed the report and accepted its findings. Although he has not commented on the current application, he previously recommended a condition to address contamination. The condition could have been attached to the permission if the current proposal were otherwise acceptable.

Affordable housing and other infrastructure contributions

- 5.53 Policy IN1 of the Local Plan requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will implement a Community Infrastructure Levy (CIL). The proposed development would be liable for a CIL contribution.
- 5.54 Policy H4 of the Local Plan and the Affordable Housing SPD are both relevant to this proposal. The Local Plan policy seeks provision of 40% affordable housing and an additional 10% low cost housing within the scheme. Of this, a minimum of 70% should be Affordable Rent or Social Rent, with up to 30% being Intermediate tenure. Paragraph 65 of the NPPF 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.

- 5.55 The applicant has submitted a Viability Assessment. This has not been updated since he previously refused scheme and contains the original, rather than current floorplans. The floorspace figures within it are not accurate. This does state that the scheme would be viable with a financial contribution of £116,006 towards affordable housing. The report states that this represents 25% of the required contribution. That contribution is not offered though and the report concludes *“only a nil affordable housing scenario generates a profit which we consider to be marginally viable (at 6.99% on GDV / 7.51% on cost). Even at this level of profit, the developer will need to take a view as to whether they can access funding at a reasonable rate given the returns fall below the 20% on GDV benchmark which lenders often require.”* No affordable housing contribution, either on-site or off-site, has been offered by the applicant.
- 5.56 The Council’s Housing Enabling and Development Manager has reviewed the assessment. He considers the *“build costs to be on the high side for this scale of build, and the suggested land value far exceeds its existing use value, and since the applicant has expressed willingness to proceed at the level of profit reflected in their appraisal, it is my considered view that the scheme is suitably viable to make an adjusted off-site commuted sum contribution, notwithstanding their obligation to satisfy the minimum requirements of the NPPF and the emerging First Homes requirement.”*. The Housing Enabling and Development Manager objects to the application if the applicant is not willing to make the required affordable housing contribution. The applicant has also failed to address the minimum NPPF requirement for 10% of homes within a major development to provide affordable home ownership.
- 5.57 Policy CH6 of the Local Plan deals with replacement and additional tree planting to maintain Crawley’s tree cover and character. An additional tree is sought for every new residential unit. Ideally these would be planted on site but, with the excessive site coverage proposed, tree planting is clearly is not possible in this case. A contribution of £10,500 (15 units x £700 per tree) in accordance with the policy and the Green Infrastructure SPD would therefore be sought. The applicant’s Planning Statement fails to address this issue at all and the application contains no commitment to making this payment.
- 5.58 Policy ENV5 of the Plan and the supporting Green Infrastructure SPD deal with the need for open space and recreation facilities arising from increased residential population. Provision of such facilities on-site or contributions towards provision off-site will be sought where shortfalls are identified. In this case, the proposal has no capacity to accommodate on-site open space and recreation due to the site coverage by the proposed building. The Forward Planning team assessed the previous scheme in respect of this provision and sought a contribution of £12,741.25. Comments are awaited on the current scheme, but a contribution at a similar level will be required. Again, the applicant’s Planning Statement fails to address this issue or to support a contribution.
- 5.59 The applicant’s position on affordable housing provision, tree planting, open space and recreation is unacceptable, with no commitment made to addressing these important requirements. Refusal is recommended on these grounds as a result.

CONCLUSIONS:-

- 6.1 The footprint of the proposed development would almost entirely cover the application site. The proposed design remains very poor and would have an unacceptable relationship to both the streetscene and the proposed high quality development and public realm improvements along Station Way. It would also relate poorly to the built development and communal amenity space proposed within the adjoining allocated Station Gateway scheme. Officers have concerns about the operation of the proposed loading bay, the likelihood of obstacle to pedestrians, buggies and wheelchairs users at times, possible obstructions to traffic and the inaccessibility of some of the cycle parking. The applicant has failed to demonstrate that the proposal is acceptable in terms of noise and the proposed layout and design is unacceptable in terms of amenity for future residents. The applicant has failed to demonstrate that the proposal would be water neutral. The application fails to make appropriate provision for affordable housing, trees or open space and recreation. Overall, the applicant has failed to address all the reasons that the Inspector used to dismiss the recent appeal. The proposal is

considered to be of extremely poor quality and to represent substantial overdevelopment of the site. Refusal is strongly recommended.

RECOMMENDATION RE: CR/2021/0621/OUT

REFUSE for the following reasons:

1. The proposed development, by reason of its site coverage, layout, scale, massing, relationship to adjoining sites and proximity to Station Way, represents substantial overdevelopment of the site and is contrary to policies CH2 and CH3 of the Crawley Borough Local Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
2. The proposed development, by reason of its siting, design, massing, scale and external appearance, would form a dominant and unattractive building that would fail to respect the existing or proposed Station Way streetscene. There would be no opportunity to soften the building through the use of significant landscaping and its set back from the Station Way carriageway and pavement is totally inadequate. It represents a wholly unacceptable form of development and is contrary to policies CH2 and CH3 of the Crawley Borough Local Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
3. The proposed development, by reason of the layout and orientation of the flats and their amenity space, together with their proximity to Station Way and the proposed Station Gateway communal garden to the south, would, particularly on lower floors, provide extremely poor outlook and inadequate natural light to windows and balconies. The operation of the bin stores and cycle store, with their roller shutter doors, plant room and lift are likely to cause disturbance to the occupants of adjoining flats. As such, the proposal would fail to create a satisfactory residential environment for future residents contrary to policies CH3 and CH5 of the Crawley Borough Local Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
4. The applicant has provided insufficient evidence to demonstrate to the satisfaction of the Local Planning Authority that the occupiers of the proposed noise sensitive residential (C3) development would not suffer significant disturbance and be harmed by noise from nearby road and railway sources. The applicant has also failed to demonstrate that acceptable mitigation can be put in place to address these significant noise concerns. The proposed development is therefore contrary to policy ENV11 of the Crawley Borough Local Plan, the National Planning Policy Framework and the Noise Policy Statement for England.
5. The proposed development would have an unacceptable and overdominant relationship to the development proposed on the adjoining allocated Station Gateway site and would dominate and overlook the proposed landscaped communal garden area to the south. It fails to take a comprehensive approach to development in this area. The proposal is contrary to policies CH2, CH3 and CH4 of the Crawley Borough Local Plan, the Urban Design Supplementary Planning Document and the National Planning Policy Framework.
6. The proposed development would significantly increase water usage on the site. The applicant has failed to quantify the likely increase in water consumption or to offer any proposals to offset this. In the absence of any evidence to demonstrate water neutrality, the scheme would be likely to have an adverse impact upon protected habitats including the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site. The proposal would therefore be in breach of the Conservation of Habitats and Species Regulations 2017.
7. The proposed development, with its lack of on-site vehicle parking, partially inaccessible cycle parking and reliance on a single loading bay, fails to provide for the vehicular traffic that it would generate. Insufficient evidence has been submitted to demonstrate that the proposed servicing arrangements could operate satisfactorily without adversely affecting either the free flow of traffic along Station Way or the safe movement of passing pedestrians, buggies and wheelchair users. The proposal is therefore contrary to policies IN1, IN3 and IN4 of the Crawley Borough Local Plan, the parking standards set out in the Urban Design Supplementary Planning Document and the National Planning Policy Framework.

8. The proposal would not make any provision towards affordable housing, despite the significant and demonstrated need in Crawley. Non-viability of the scheme has not been demonstrated. The proposed development is therefore contrary to policy H4 of the Crawley Borough Local Plan 2015-2030, the Affordable Housing Supplementary Planning Document and paragraph 64 of the National Planning Policy Framework.
9. 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 the Green Infrastructure Supplementary Planning Document.

1. NPPF Statement

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

- Informing the applicant of identified issues that are so fundamental that it would not be possible to negotiate a satisfactory way forward due to the harm that would be caused.

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



ArcGIS Web Map



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