

**REFERENCE NO: CR/2016/0972/FUL**

**LOCATION:** [44 GOFFS PARK ROAD, \(FORMERLY OAKHURST GRANGE\), SOUTHGATE, CRAWLEY](#)  
**WARD:** Southgate  
**PROPOSAL:** DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CONTINUING CARE RETIREMENT COMMUNITY (CLASS C2) (AMENDED PLANS RECEIVED)

**TARGET DECISION DATE:** 14 March 2017

**CASE OFFICER:** Mr H. Walke

**APPLICANTS NAME:** Richmond Care Villages Holdings Lim  
**AGENTS NAME:** Tetlow King Planning

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**PLANS & DRAWINGS CONSIDERED:**

PL 001	Rev A	Site Location Plan
1520 L 01	Rev J	Landscape Masterplan 30 08 17
10324_PL003	Rev C	Village Care Centre lower ground & ground floor plans
10324_PL004	Rev D	Village Care Centre first & second floor plans
10324_PL005	Rev F	Village Care Centre third floor & roof plans
10324_PL006	Rev E	Village Care Centre elevations
10324_PL008	Rev E	ILU Block A - Floor Plans & Elevations
10324_PL009	Rev E	ILU Block B floor plans & elevations-A1
10324_PL010	Rev E	ILU Blocks C & D floor plans & elevations-A1
22326 OGL	Rev 1	Topographical Survey
P16-362 100		Indicative Drainage Strategy
10324 PL 012	Rev A	Existing Site Plan
10324_PL013	Rev D	Proposed Block Plan - A2
10324_PL011	Rev D	Proposed Site Sections - A0
10324_PL014	Rev B	Proposed Site Sections 02 - A1
10324_PL015	Rev B	Proposed Site Sections 03

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

Consultations on this application were originally undertaken from December 2016 - January 2017. Following the submission of revised details, reconstructions were undertaken in December 2017 - January 2018.

1.	GAL - Aerodrome Safeguarding	No objection subject to conditions
2.	Environment Agency	No comments
3.	WSCC - Highways	No objection subject to conditions
4.	National Air Traffic Services (NATS)	No safeguarding objection
5.	Thames Water	No objection subject to informative
6.	Sussex Building Control Partnership	No response
7.	Sussex Police	Advice provided
8.	CBC - Drainage Officer	Advice provided
9.	West Sussex Fire Brigade	No response
10.	CBC - Planning Arboricultural Officer	No objection subject to condition
11.	UK Power Networks	No objections

12.	CBC - Environment Team	No response
13.	CBC - Contaminated Land	No response
14.	CBC - Environmental Health	No objection subject to condition
15.	Cycle Forum	Advice provided
16.	CBC - Refuse & Recycling Team	No comments if waste to be collected by another operator
17.	CBC - FP - Energy Efficiency & Sustainability	No objection subject to conditions
18.	CBC - FP - Urban Design	No objection
19.	Ecology Officer - Mike Bird	No objection subject to condition
20.	WSCC - Surface Water Drainage (SWD)	No objection subject to conditions
21.	NHS Crawley Clinical Commissioning Group	No objection

### **NEIGHBOUR NOTIFICATIONS:-**

The application was advertised through a press notice and consultation/reconsultation letters were sent to the following properties which adjoin the site:

Nos 1 to 31 (odd numbers) Malvern Road and The Cedar, Malvern Road;

Nos 42 to 62 (even nos) and Nos 49 and 69 Perryfield Road;

Nos 15 to 29 Winter Gardens;

Flats 1-15 Brecon Heights, Horsham Road

Nos 42 and 46 Goffs Park Road.

### **RESPONSES RECEIVED:-**

In response to the reconsultation, objections were received from fourteen neighbouring properties (Wessex, Goffs Park Road, 13, 23, 25, 31 and The Cedar Malvern Road, 45, 47, 48, 49, 56 Perryfield Road, 16, 20, 27 Winter Gardens). These raise the following concerns:

- Little has changed on the revised plans and the proposed heights are no lower. The changes are cosmetic and do not address previous concerns. The buildings would be too tall/large and have unsympathetic/unattractive design out of keeping with the character of the area. The artist impressions are misleading. Key views have been omitted.
- Insufficient green space is proposed. Inadequate trees and landscaping are proposed to block views of the scheme. Trees will take some years to grow and offer no screening when bare in winter. The species and size (when planted or full grown) is not clear. No boundary fence details have been provided. Ongoing fencing/landscaping maintenance may not be good enough. Site has not been well maintained recently.
- Bats are regularly seen in the area, but this is not reflected in the bat report.
- Loss of privacy. Windows would overlook adjoining houses and gardens. The inclusion of balconies means that neighbours would be overlooked for longer periods. Tall buildings and proposed new trees will block sunlight. The section drawings do not properly reflect the change in levels, existing building and tree heights.
- Increased height of Block A will cause loss of privacy, loss of daylight/sunlight and worsen outlook for residents at the south end of Malvern Road. Even where Block A's height has been reduced to two storeys, it will still contain multiple windows overlooking adjoining gardens. A mature tree on the Malvern Road boundary would be lost, reducing screening.
- Disturbance to existing residents would be caused by car and ambulance movements and by vehicle headlights. There would be general noise and disturbance from activities on the site and light pollution throughout the night.
- Winter Gardens is at a lower level, its houses are close to the boundary and will suffer noise and disturbance. Communal bin area is too close to Winter Gardens' houses.
- Parking is a problem in this area. The proposal would worsen this and cause parking, access and visibility problems.
- There is no need for an access from Oakhurst Grange to Perryfield Road, which could create a public right of way. This access would cause disturbance to residents, could attract school pupils even with restricted hours of use and could generate traffic and manoeuvring problems. Visitors and staff using the railway station would use this access. The proposed access would be

dangerous. Concern that it could be used for vehicular traffic in future. It could cause security issues and loss of privacy for existing residents. Restrictions on use may not be maintained.

- The height is close to the safety limit for Gatwick and measures to stop birds nesting will involve noise/pyrotechnics and cause disturbance to residents.
- Foundations would be deeper than existing and may raise archaeological issues.
- Many of the reasons for refusing the application at No. 46 Goffs Park Road, including height, apply here too.
- Construction hours should be restricted. There is no demolition plan.
- Understood there was a covenant restricting building heights.
- The consultation period is unclear and it is difficult to understand the amendments made to the scheme.

From the original consultation, twenty letters of objection were received making the following points (63 Malthouse, The Cedar, 1, 13, 23, 25, 27, 31 Malvern, 44, 48, 50, 54 Perryfield, 2, 16, 18, 20, 28, 29 Winter, Hunt and Palmer, Flat 2 Brecon Heights):

- Contrary to Local Plan policies
- Buildings are too high/too many storeys. Four storey building would be dominant on Perryfield Road and three storeys would dominate/overlook Malvern Gardens. Existing low level buildings, shallow roof pitches and layout are more appropriate to the character of the area.
- Proposals disregard ground levels on and around the site. Proposal would block light to Winter Gardens and be too dominant. Although single storey, the Oakhurst Grange site is about 3.5 metres higher than Winter Gardens. Closer, taller buildings will have greater impact causing loss of sunlight and daylight. Could lead to increased energy use, damp/moisture and health concerns.
- Café/bar would cause disturbance from noise and food smells.
- Inadequate doctor's surgery places in the area.
- Goffs Park Road is busy with a lot of traffic. The Malvern Road junction has poor visibility. Proposal would cause a significant increase in vehicles and pedestrians in the area. Access road, used by large vehicles runs along Malvern Road rear boundary and will cause disturbance. Ambulances with sirens/blue flashing lights.
- Goffs Park Road is an Area of Special Environmental Quality. Visual impact of three/four storey buildings would be out of character. Oakhurst Grange should be included in the ASEQ.
- Trees insufficient to address overlooking. There are gaps in the boundary tree screening. Would be a loss of wildlife. Protected bats have been observed at the site. No details of lighting proposed have been submitted.
- Richmond Villages are BUPA and local residents will suffer from failure to maintain good standards at Oakhurst Grange. It is believed that several other operators have approached BUPA to utilise the current buildings. Developer seeking to maximise viability.
- No provision for affordable housing. Seems to be an expensive scheme for those who can afford it. What provision will there be for social care for those unable to afford this?
- Some letters supported reuse of the site for residential care, although some questioned whether the quality of care will be acceptable this time.
- The construction period would cause traffic dangers as well as causing dust, noise and possible dispersal of asbestos particles during demolition/construction.
- Residents were promised a further public meeting and have received insufficient information.

WSPCC Councillor Michael Jones objects on the grounds that the scheme does not meet the Local Plan affordable housing requirements, fails to respect local context or the area's character, would harm residential amenity, would cause town cramming with insufficient landscaping, would affect protected trees, would cause loss of privacy and risk of loss of light, provides inadequate parking and would cause significant increased pressure on nearby roads.

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

This is a major application.

## **THE APPLICATION SITE:-**

- 1.1 The application site contains a number of predominantly single storey brick buildings with pitched roofs that were formerly in use as Oakhurst Grange Nursing Home. The nursing home closed in 2013 and the buildings have been vacant since then. Gated vehicular and pedestrian access to the site is taken from Goffs Park Road. Within the site, the existing access road and parking areas generally run along the eastern boundary adjoining properties in Malvern Road and Perryfield Road. The site slopes down significantly from Goffs Park Road northwards and also, to a lesser extent, from east to west. There are a large number of mature trees on and around the site with landscaped grassed areas between the buildings. Many of the trees on and adjoining the site, particularly along the eastern, southern and western boundaries, are covered by individual or group Tree Preservation Orders.
- 1.2 The surrounding area is generally residential. A block of four storey (including rooms in the roofspace) flats, Brecon Heights, lies to the west of the site. Winter Gardens, a modern residential cul-de-sac of two storey houses, is to the north/north-west at a significantly lower level than the application site. Two storey houses and bungalows within Perryfield Road, another cul-de-sac, are situated to the east of the site. Malvern Road and Osney Close, which also contain two storey houses, lie to the south-east. No. 46 Goffs Park Road, a detached two storey house, is to the west of the site entrance and Hill Place, a modern residential cul-de-sac, is on the opposite side of Goffs Park Road. There are some non-residential uses nearby, with the Premier Inn hotel opposite and, on the corner of Goffs Park Road and Horsham Road, a locally listed building occupied as offices by Hunt and Palmer.
- 1.3 To the south-east of the site is the Goffs Park Road Area of Special Local Character.
- 1.4 The application site is allocated within the Local Plan for the provision of housing specifically to meet the needs of older people, *“either as a care facility in the form of Extra-Care or Residential Care or to provide general housing designed to meet particular needs of older people ...”*

## **THE PROPOSED DEVELOPMENT:-**

- 1.5 The application seeks planning permission for demolition of the existing former nursing home buildings. Redevelopment of the site would form a “Continuing Care Retirement Community,” which would provide a range of different residential accommodation for older people alongside some communal facilities. The scheme would be formed by five main blocks. At the centre of the site would be the proposed Village Care Centre (VCC). This would be part four/part three storey with a lower ground floor car parking area and ancillary accommodation. To the south would be part two/part three storey detached buildings (Block A) and to the north would be three detached buildings. These would comprise Block B (part two storey/part single storey), Block C (part two storey/part single storey) and Block D (two storey).
- 1.6 The scheme would comprise:
  - A 42 bed care home’ – Care home accommodation would comprise units containing a bedroom/living area and bathroom and would be located within the VCC;
  - A total of 45 ‘Care Suites’ – Care Suites are units containing a living room, a bedroom, a kitchen and a bathroom and would be located within the VCC;
  - A total of 34 ‘Care Apartments’ – Care Apartments are units containing a living room, one or two bedrooms, a kitchen and a bathroom. They would be located within Blocks A, B, C and D; and
  - Communal facilities including a bar/lounge area, hairdressing and treatment room, library, meeting room and activities area. These facilities would also be within the proposed VCC building.
- 1.7 In support of the application, the applicant has submitted the following documents:
  - Design and Access Statement
  - Planning Statement
  - Transport Statement
  - Energy and Sustainability Statement
  - Ecology Report

- Arboricultural Impact Assessment
- Flood Risk Assessment
- Indicative Drainage Strategy
- Archaeological Assessment

1.8 The proposed scheme has been amended since the original submission. The proposed buildings remain in the same locations, but their elevations have been revised, the height and massing of some buildings has been amended and there have been some internal changes. The numbers of different units has also changed from the original 42 bed Care Home, 43 Care Suites/Assisted Living Units, 12 Enablement/Re-enablement units and 35 Care Apartments. The agent has also supplied a number of appeal decisions and other correspondence relating to the provision of affordable housing within housing schemes for older people.

### **PLANNING HISTORY:-**

- 1.9 CR/1993/0538/FUL – Nursing Home comprising 4 30 bedded single storey units and 1 two storey administration building. Approved 1 October 1993.
- 1.10 There is no recent planning history on the site, although there were a number of applications for works to protected trees between 1998 and 2013.

### **PLANNING POLICY:-**

#### **National Planning Policy Framework (NPPF):**

- 1.11 The National Planning Policy Framework (NPPF) was published in March 2012 and introduced the presumption in favour of sustainable development in approving developments that accord with the development plan without delay or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts or it would be contrary to the policies in the NPPF.
- 1.12 The core planning principles of the NPPF (paragraph 17) state that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. In addition, development should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 1.13 Part 6 applies specifically to delivering homes and seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development and are to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should plan for a mix of housing to meet different needs, including those of older people. They should identify and bring back into residential use empty housing and buildings.
- 1.14 Part 7 emphasises the importance of good design to achieve high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes. Design codes can be used to achieve high quality outcomes, and decisions should promote and reinforce local distinctiveness without imposing forms, styles or particular tastes on development. Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design should be looked on more favourably.

1.15 The Crawley Borough Local Plan was adopted in December 2015. The following policies are relevant to consideration of the application:

Policy SD1 (Presumption in favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals, the Council will take a positive approach to approving development which is sustainable.

Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern land uses and arrangement of open spaces and landscape features.

Policy CH2 (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond to and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.

Policy CH3 (Normal Requirements of All New Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.

Policy CH4 (Comprehensive Development and Efficient Use of Land) requires development proposals to make good use of land and not prejudice planning over a wider area.

Policy CH5 (Standards for All New Dwellings) states that all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents. New dwellings should, as a minimum, meet the nationally described space standards in accordance with Building Regulations Part M Category 2 – accessible and adaptable dwellings.

Policy CH6 (Tree Planting and Replacement Standards) requires landscape proposals for residential development to contribute to the character and appearance of the town by including at least one new tree for each new dwelling. In addition, any trees lost as a result of the development must be replaced or mitigated. Where possible the trees are expected to be provided on site although, where this is not feasible, commuted sums will be sought in lieu.

Policy CH14 (Areas of Special Local Character) seeks proposals of an appropriate scale, design and massing and to avoid adverse impact upon the defined areas and their surroundings.

Policy CH16 (Locally Listed Buildings) seeks to protect the character and setting of Locally Listed Buildings.

Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.

Policy H2 (Key Housing Sites) this policy demonstrates how the Local Plan makes provision for the delivery of a minimum of 5100 net additional dwellings in the borough between 2015 and 2030. Specifically for Oakhurst Grange, Policy H2 seeks *“55 dwellings as residential Class C3 use or up to 120 residential rooms as Class C2 (Residential Home) use. Development of this site should specifically meet the needs of older people, either as a care facility in the form of Extra-Care or Residential Care or to provide general housing designed to meet particular needs of older people, including being wheelchair adapted dwellings meeting Building Regulations Part M, category 3 accessibility standards.”*

Policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.

Policy H4 (Affordable and Low Cost Housing) states that 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. The policy requires viability evidence in cases where the affordable housing requirements cannot be met and the proposal meets a demonstrable need.

Policy ENV1 (Green Infrastructure) sets out measures to protect and enhance Crawley's green infrastructure.

Policy ENV2 (Biodiversity) states that proposals should incorporate features to enhance biodiversity and enhance existing nature conservation features.

Policy ENV5 (Provision of Open Space and Recreational Facilities) requires development to make provision for open space and recreational facilities.

Policy ENV6 (Sustainable Design and Construction) requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes and also specifically to achieve BREEAM excellent for water and energy credits where viable.

Policy ENV8: (Development and Flood Risk) advises that 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) requires all new dwellings to achieve the new 'optional' water efficiency standard introduced into part G of the Building Regulations in 2015, subject to viability and technical feasibility.

Policy IN1: (Infrastructure Provision) states that development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.

Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires all residential, employment and commercial development to be designed to be connected to high quality communications infrastructure.

Policy IN3 (Development and Requirements for Sustainable Transport): Advises that 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.

Policy IN4: (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council's car and cycle standards.

## **Supplementary Planning Guidance and Documents**

1.16 The Council's following Supplementary Planning Documents and Guidance Notes are also relevant to this application:

- Planning and Climate Change – Sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, supporting District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport.
- Urban Design – With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. The document also sets out the car and cycle parking standards for the Borough.

- Green Infrastructure – Sets out the Council’s approach to trees, open space and biodiversity. The SPD also includes the justification and calculations for tree replacement and new tree planting under Policy CH6. A contribution of £700 per tree is sought for each new dwelling.
- Affordable Housing – Provides additional guidance on the Council’s approach to securing affordable housing as part of new developments, including advice on tenure split, viability appraisal and off-site contributions.
- Developer Contributions Guidance Note (Adopted July 2016) Following the introduction of the Community Infrastructure Levy, this guidance note sets out the Council’s approach to securing contributions towards infrastructure provision.

1.17 The Supplementary Planning Documents were all adopted in October 2016, with the exception of the Affordable Housing SPD which was adopted in November 2017.

## **PLANNING CONSIDERATIONS:-**

1.18 The main issues for consideration in determining this planning application are:

- Principle of development
- Design and character of the area
- Residential amenity
- Residential environment for future occupiers
- Highways, transport and parking
- Sustainability
- Trees, landscaping and ecology
- Drainage and flooding
- Gatwick Airport
- Archaeology and Heritage
- Community Infrastructure Levy

### Principle of development

- 1.19 The site has an historic use as a 100 bed care home, but the buildings are currently vacant. The former care home closed in 2013 following assessment of the poor standard of care received by its residents. The Local Plan, in policy H2, specifically allocates the site for development to meet the housing needs of older people. Policy H2 seeks 55 dwellings (use class C3) or up to 120 residential rooms within a care home (use class C2). The application proposes a 42 bed Care Home, 45 Care Suites and 34 Care Apartments. Crawley does not currently have a development of this type providing for older people and, in terms of creating a more diverse housing mix and making specific residential provision for older people, the development is welcomed. The proposal would also bring a vacant brownfield site back into use and, subject to the design and amenity issues addressed below, could make efficient use of the land in accordance with policy CH4 of the Local Plan.
- 1.20 The scheme proposes three different types of accommodation, which would cater for future residents with varying levels of care requirements. The applicant has submitted a Planning Statement confirming that all residents would be over the age of 60, frail and in need of care. Spouses would be allowed to live with qualifying residents. There would be a range of facilities within the site available to residents, including a bar/restaurant, hairdresser/treatment room and a library. Residents would be required to have a minimum basic level of care of one and a half hours per week. Care provision would be available on site and the applicant is happy to enter into a legal agreement restricting the age and requiring care provision for all residents. Broadly speaking, the application proposes residential uses that accord with the requirements of Policy H2 and is considered acceptable in principle. In order to ensure that the scheme delivers accommodation specifically for older people in line with Policy H2 and the application itself, a Section 106 agreement can be used to secure appropriate age and care related requirements.
- 1.21 Although difficult to quantify, the scheme could potentially offer wider benefits through freeing up larger family homes in Crawley as residents downsize and also by providing accommodation that could help to reduce pressure on NHS hospital beds.



- 1.22 A critical issue for officers in assessing this planning application has been whether there is a requirement for the provision of affordable housing. Policy H4 of the Local Plan seeks 40% of affordable housing from all residential development. As Members will be aware, the Council has recently adopted its Affordable Housing SPD to provide guidance on the issue of affordable housing.
- 1.23 The key issue here is whether, as the applicant suggests, the proposal, taken as a whole, forms a single planning unit comprising a "Continuing Care Retirement Community" within the C2 (Residential Institutions) use class. On submission of the application, officers were concerned that the scheme incorporated a number of residential units with bedrooms, living rooms, bathrooms and kitchens which could be considered to create self-contained accommodation forming individual planning units in their own right. Potentially such units could fall within the dwellinghouse (C3 use class).
- 1.24 In addressing this issue, officers first sought legal advice on behalf of the Council on the applicability of Policy H4 and the SPD to Use Class C2 (Residential institutions). The applicant has also shared its own legal advice on this issue. Both the Council's barrister and the applicant's barrister advise that the current Policy H4 does not cover the C2 use class. Affordable housing could therefore only be sought if the proposed scheme contained individual C3 dwellinghouse units.
- 1.25 The Council's barrister provided further detailed advice on whether the proposal could be considered to include C3 dwellinghouses. The applicant's barrister specifically did not address this point.
- 1.26 Officers have had extensive communications with the applicant's agent regarding the provision of affordable housing. The application has been submitted on the basis that the development as a whole forms a residential institution use falling within the C2 use class. Discussions with the agent have focussed on whether this assessment is correct. Officers have also considered a number of appeal decisions for similar developments elsewhere in the country. Officers have concluded that the current proposal does not solely form accommodation falling within the C2 use class.
- 1.27 In terms of use classes, the Council's legal advice is clear that the proposed Care Home accommodation (bedrooms/living area with bathroom) within the Village Care Centre building would fall within the C2 use class. The Care Suites would be accommodated within the same Village Care Centre building. These Care Suites would include bedrooms, living rooms, bathrooms and a kitchen. In that sense, they could be viewed as self-contained residential units. However, in appeal decisions relating to similar buildings which contain a mix of care home rooms, units comparable to the Care Suite units and shared communal facilities, inspectors have generally concluded that the building as a whole forms a single planning unit. Given these appeal decisions and the advice from our barrister, officers do not consider that it would be reasonable to argue that the Care Suites within the proposed VCC would form individual planning units falling within the C3 use class.
- 1.28 The proposed 34 Care Apartments have different physical characteristics. These units would contain 1-2 bedrooms, a living room, a bathroom and a kitchen. They would be accommodated within four individual detached blocks. The proposed blocks each have the floorplan of a fairly typical block of flats (C3) and contain no communal facilities. The Council's barrister's advice is that:
- "The Care Apartments are physically and functionally separate from the communal facilities available in the Village Care Centre building. On any view, the Care Apartments are dwellinghouses and they are likely to be used by people to be regarded as a single household. As a matter of fact and degree, the provision of domiciliary care to the residents of the Care Apartments, of itself, would not exclude a Class C3(a) use."*
- 1.29 Officers have considerable sympathy with a view that the Care Apartments have the characteristics of C3 dwellinghouses. However, a range of appeal decisions have been considered in preparing this report. It is true that in some cases, such as an appeal in Southbourne, the Inspector concluded that certain units would contain *"the facilities required for day to day private domestic*

*existence*” and would form C3 dwellinghouses. In the case of a scheme in Horsham, a financial contribution was agreed towards affordable housing. In other appeals though, such as a recent case in Sidmouth, Inspectors have concluded that the provision of communal facilities within the development, the level of personal care, the likely age of residents and the physical features and alarm systems provided go significantly beyond the facilities that would be characteristic of a C3 dwellinghouse.

- 1.30 Whilst expressing some support for the view that the proposed Care Apartments would form C3 dwellinghouses, the Council’s barrister did highlight that, given the views expressed by certain Inspectors, this argument could be difficult to sustain at appeal. The applicant considers the proposal as a whole to fall within the C2 use class and has consequently not offered any affordable housing contribution.
- 1.31 Officers consider that the principle of redevelopment of this brownfield site for housing to meet the needs of older people accords with Local Plan policy H2. The proposal would offer high quality residential accommodation for older people in a relatively central location. Crawley does not currently have a scheme of this type and no other sites for similar accommodation have been allocated within the Local Plan. The lack of affordable housing within the scheme could conflict with Local Plan Policy H4 and the Affordable Housing SPD, but officers have concluded that an argument that the Care Apartments form C3 dwellinghouses would be difficult to sustain at appeal given the views taken by Inspectors and that the benefits of the scheme in reusing the site and providing accommodation to meet the needs of older people are significant. The issue of the lack of affordable housing in such schemes will be addressed through the review of the Local Plan.

#### Design and character of the area

- 1.32 The Oakhurst Grange site is fairly secluded. Although a large site, its frontage onto the public highway is limited to approximately sixty metres along Goffs Park Road and approximately nine metres at one end of Perryfield Road. Other public views of the site are possible from the northern end of Malvern Road, from Horsham Road (at the entrance to Brecon Heights) and in views between existing houses on Perryfield Road, Malvern Road and Winter Gardens. The site is clearly visible from the adjoining rear gardens of properties in Perryfield Road, Malvern Road, Goffs Park Road and Winter Gardens, together with the grounds of Brecon Heights.
- 1.33 The elevational treatment of the originally submitted scheme took a traditional approach, based on the more rural West Sussex vernacular of smaller residential properties. The Urban Design Officer raised serious concerns about the buildings initially proposed, in terms of their design, external appearance and fenestration. He also raised related issues about internal layout and the quality of the residential environment created. He felt that a more modern approach, incorporating best practice approaches for care accommodation, would significantly improve the scheme. Following the comments from the Urban Design Officer and a number of meetings with the agent/architect, revised plans were submitted. The layout of the proposed buildings remains the same, but the elevations have been substantially amended. There have also been revisions to the height, bulk and massing of some buildings.
- 1.34 The revised proposal would include a three storey block (Block A) fronting Goffs Park Road, stepping down to two storeys to the north. Adjoining buildings on Goffs Park Road are generally two storey houses, although the Hunt and Palmer building on the corner of Horsham Road incorporates a four storey tower. The Oakhurst Grange site slopes downwards to the north and ground level in Block A would be slightly lower than the road. Block A would be set back seventeen metres from the Goffs Park Road frontage. The building has been redesigned following design comments from officers on the original proposal. Its height fronting Goffs Park Road has been increased to three storey, with a drop to two storey in the northern part of Block A. The revised design has a simpler, more modern design whilst still incorporating traditional characteristics. The proposed materials facing Goffs Park Road would be brick and stained timber cladding with a plain red tile pitched roof. There would be four glazed balconies on this frontage and one projecting first floor bay window. The revised design of Block A is considered, through the increased height and revised design, to give sufficient presence on Goffs Park Road for a development of this scale and

to present an appropriate element in the streetscene. To the north, Block A would drop down to two storey and some rendered elements would be used to add interest to the elevations.

- 1.35 Similar changes have been made to Blocks B, C and D. The materials proposed would match those of Block A, giving consistency to the wider scheme. White render is used to frame the entrance doors, giving them clear prominence and visibility.
- 1.36 The Village Care Centre is a substantial and bulky building. In elevational terms, there is little that can be done to disguise this. However, the revised scheme does create far more ordered elevations, with a rhythm created by the proposed white rendered gables and a more uniform approach overall to the use of materials. The proposed entrance, whilst not clearly visible from the Goffs Park Road entrance, is more prominent and legible. The windows within the building have been significantly increased in size, providing increased levels of natural daylight to future residents. The proportions of the windows, together with the use of materials, has helped to give the building a more horizontal emphasis. Publicly, the VCC would be visible from Horsham Road and in glimpses from other adjoining streets. Setting aside concerns about the impact of the bulk of the building upon adjoining gardens and in public views between or over neighbouring houses, officers consider that the revised design is acceptable in elevational terms.
- 1.37 Following the detailed negotiations undertaken by officers, the Urban Design Officer raises no objection to the scheme. In terms of design, fenestration and elevational treatment, officers consider that the revised scheme is more appropriate to this part of Crawley. It would have a more contemporary feel, whilst respecting the traditional materials used in the surrounding area and the scheme is now considered acceptable in terms of design and external appearance.

#### Residential amenity

- 1.38 The existing site contains five large, mainly single storey buildings. Their roofs are visible from neighbouring gardens, but windows are generally not. In broad terms, the redevelopment proposal would site buildings in similar locations. The main change apparent to neighbours, as confirmed by the views expressed in the consultation responses received, would be the impact of the increased height and the visibility of new windows. The Urban Design SPD seeks distances of 21 metres between windows for two storey development and 30 metres for three or more storey proposals. The proposed buildings would have key relationships with the rear of houses in Perryfield Road, Malvern Road, Winter Gardens and No. 46 Goffs Park Road.
- 1.39 Block A would be three storey at its southern end, near the site entrance, and drop to two storeys further north. It would have windows on all elevations, which would face Goffs Park Road, the rear of Malvern Road houses, No. 46 Goffs Park Road and the proposed Village Care Centre. The windows facing Goffs Park Road would create no overlooking concerns. First and second floor primary bedroom windows would face west towards No. 46 Goffs Park Road. These would be 21 metres from the side wall of No. 46. There are substantial protected mature trees between No. 46 and the proposed building. The windows would not offer views into windows or the rear garden and it is not considered that overlooking would result. Other windows in Block A would face a similar direction, but would be at least 30 metres from the house at No. 46. The first and second floor habitable room windows in Block A (which would provide daylight to bedrooms, kitchens, en-suite bathrooms and provide a secondary window to living rooms) facing the rear gardens of Malvern Road houses would generally be located around 31 metres from windows in the rear of Malvern Road houses. There would be a closer relationship of only 27 metres between secondary living/dining room windows in the three storey block fronting Goffs Park Road and the conservatory to the rear of The Cedar in Malvern Road. These windows would be 30 metres from the main rear windows of The Cedar. For the northern two storey part of Block A, the first floor windows and two balconies would be a minimum of 21 metres away (from the rear projection of No. 23 Malvern Road) and in other cases at least 23 metres away. The proposed first and second floor windows would also be located 10-11 metres away from the Malvern Road boundary.
- 1.40 There have been a number of objections from Malvern Road residents. The proposed scheme would undoubtedly change the outlook from their rear gardens and windows significantly. Neighbours in Malvern Road would view a substantial and lengthy block of two/three storey

development, rather than the roofs to the existing single storey buildings as they currently do. The proposed Block A would have a more dominating impact upon the Malvern Road gardens and it is considered that some harm due to the siting, bulk, height and massing of Block A would result. Given the size of the building and the number of windows on the side elevation of the block, some perception of being overlooked may also result. However, Block A meets the window to window distances set out in the Urban Design SPD, with the possible exception of the conservatory at The Cedar. Taking the policy into account, it is not considered that a significant loss of privacy would result to these adjoining residents. There is scope for additional planting along the boundary with Malvern Road to enhance existing landscaping and further screen views of the new building from the existing houses. It would also be possible to secure obscure glazing for some of these windows, which light bathrooms, kitchens and provide a secondary window to living areas. The relatively limited adverse impact identified will need to be assessed in the balance of all material planning considerations.

- 1.41 The Village Care Centre (VCC) would be the tallest and bulkiest building on the site. It would be centrally located within the site and would range from five storeys in height for the central section of its western end down to three storeys at its northern end. It would predominantly be three or four storeys in height. At second and third floor levels, it would contain windows facing towards a number of adjoining houses/buildings. It has been amended since the original submission, primarily to eliminate or relocate windows. The properties affected would be Brecon Heights (approximately 35 metres away), Nos. 27 and 29 Winter Gardens (both approximately 32 metres), No. 31 Malvern Road (approximately 25 metres), Nos. 2 and 4 Osney Close (approximately 31 metres) and Nos 44 and 46 Perryfield Road (approximately 48 metres). With the exception of views towards Perryfield Road, views from windows in the VCC would all be angled rather than direct. The distances from adjoining houses all comply with the Urban Design SPD guidance except for the relationship to No. 31 Malvern Road. There are substantial mature trees between that house and the proposed VCC. The proposed VCC would be a substantial and bulky building, with a resulting dominating appearance. In terms of overlooking though, it meets the Council's standards. Any adverse impact upon neighbouring residential properties would arise from the scale of the VCC building and its visibility from neighbouring gardens. As with Block A, this adverse impact must be considered in a balanced way with other material considerations.
- 1.42 Block B would be 'W' shaped and located towards the Winter Gardens boundary. This building has been amended by deleting windows and a balcony that could have overlooked No. 27 Winter Gardens and by altering the part of the building nearest to Nos. 23 and 24 Winter Gardens to be single, rather than two, storey. In all cases, the relationship between windows in Block B and windows in Winter Gardens houses would be angled. Block B would be sited only 7.5 metres from the side of No. 27 Winter Gardens and ten metres from No. 23. However, neither No. 23 or No. 27 have first floor side windows and no overlooking or overshadowing to these houses would result. The angled views towards Nos. 24 and 25 would only be from ground floor windows in the single storey element of Block B. Winter Gardens was designed such that most houses do not have windows directly facing the Oakhurst Grange site. The proposed Block B may be visible from some gardens in Winter Gardens, but the overall impact of Block B is considered acceptable.
- 1.43 Block C would lie at the northern end of the site. It would be part single storey/part two storey and would contain three, 2 bed Care Apartments. At first floor level, there would be one secondary living room window facing towards the rear of No. 58 Perryfield Road, which is a bungalow. The window would be around 28 metres from the rear windows of No. 58, which exceeds the SPD requirement of 21 metres. Again, Block C, at two storeys, would be more visible and affect the outlook from the rear of the adjoining Perryfield Road bungalows and their gardens. However, the distance is sufficient to avoid overlooking. The western part of Block C would be single storey only. This would have north facing ground floor windows facing towards Nos. 16-17 Winter Gardens. Due to the change in levels, these windows would be at the same level as first floor windows in Nos. 16-17. The separation distance would be around 21 metres. It should be noted though that this relationship would be very similar to the relationship with the existing Oakhurst Grange building in this location. North facing windows in the two storey element of Block C would face existing trees.
- 1.44 Block D would be located adjacent to the Perryfield Road boundary, between Block C and the VCC. It would be two storey, with its northern, western and southern windows offering internal views

within the proposed development. The east facing elevation would include habitable room windows and a balcony. The windows and balcony would all be located a minimum of 30 metres from Perryfield Road windows, which meets the Urban Design SPD standards. Block D would be located only around six metres from the site's east boundary with Perryfield Road. Whilst the window to window relationship is acceptable, the windows in Block D would cause some overlooking to rear gardens in Perryfield Road. The increased height of Block D, compared to the existing single storey building and seen in conjunction with proposed Blocks C and the VCC, would also cause some harm to outlook from Perryfield Road.

- 1.45 The relationship of most windows within the proposed scheme comply with the separation distances from existing dwellings set out in the Urban Design SPD and would not cause significant overlooking or loss of privacy. There are a number of areas in which relationships to adjoining properties have been improved since the application was submitted. However, the increased height of proposed buildings on the site would make them far more visible from the rear gardens of adjoining houses. This would cause some harm to outlook and the concerns expressed by a number of neighbours are understood and noted.

#### Residential environment for future residents

- 1.46 As well as trying to address the impact of the scheme upon neighbours, officers have also sought amendments to the internal relationships within the scheme. Potential overlooking between proposed units in Blocks C and D has been addressed by relocating windows. Officers also raised concerns about the relationship between the VCC and Block B. The VCC would lie to the south of Block B and would have care suite and restaurant windows over three floors facing towards Block B. The VCC would be only 12.5 metres from Block B at its closest point. The applicant responded to these concerns by amending the size and layout of the closest units in Block B. In the revised scheme, living room and bedroom windows in the closest part of Block all face northwards. The VCC would be likely to cause noticeable overshadowing of the south elevation of part of Block B and would be very dominant in views from the south facing kitchen, communal staircase and secondary bedroom windows in the care suites in Block B. This would not help to create a high quality residential environment but, given that the main habitable room windows in Block B would face away from the VCC and that future occupants would be aware of the relationship before purchasing a unit, it is not considered that refusal could be sustained on this basis.
- 1.47 Policy CH5 of the Local Plan sets out the Council's expectations regarding unit sizes for new dwellings. The proposed care apartments are a mix of one and two bedroom units. Their sizes exceed the policy's minimum space standards, with one bedroom units generally being around 63 square metres and two bedroom units being around 83 square metres.
- 1.48 Sussex Police has offered advice on security for the proposed development and an informative can be used to inform the applicant of this and suggest that they address Secured by Design in developing the detail of the scheme.

#### Highways, transport and parking

- 1.49 The proposed layout would retain the existing vehicular and pedestrian access onto Goffs Park Road. Within the site, the internal road would initially continue its existing route to the rear of Malvern Road gardens but, rather than continuing along the rear of Perryfield Road gardens as it currently does, the access road would then run around the western end of the proposed VCC. Car parking (total 97 spaces) is proposed to the rear of Block A (15 spaces), to the south and west of the VCC (40 spaces), below the VCC (27 spaces) and around Blocks C and D (15 spaces). A Transport Statement was submitted with the application.
- 1.50 The Local Highway Authority (LHA) is satisfied that visibility at the existing access to Goffs Park Road is acceptable. The development is not anticipated to give rise to severe highway capacity impacts. The LHA comments that the existing care home use could restart without planning permission and the proposed likely level of 23 (morning) and 18 (afternoon) peak hour movements is considered to be low. Parking provision is considered acceptable, with a maximum of 46 staff being on site at any time, and it allows for resident and visitor parking. The site is accessible by

public transport. Conditions covering implementation of the car parking, a Construction Management Plan and submission of a Travel Plan are recommended.

- 1.51 The proposed scheme would incorporate twelve cycle parking spaces within the undercover car park beneath the VCC. The Cycle Forum has raised concerns about the location and layout of this proposed cycle parking. The spaces would be at the eastern end of the lower ground floor car park. This location extends the length of journey for cyclists and is located at the opposite end of this car park to the staff entrance and lockers. The Forum has also raised reasonable concerns about safety at the access to this car park, given a single lane traffic light controlled system is proposed and that the cycle parking location involves cycling through an area in which cars will be manoeuvring.
- 1.52 The level of staff cycle parking proposed is considered acceptable. However, the concerns about the location, ease of access and safety of the cycle parking area within the car park are serious ones although, in the view of officers, can be resolved through planning conditions. The Cycle Forum also comments that there appears to be no visitor cycle parking. This too is noted and it is felt that additional covered provision for visitor cycle parking could be secured by condition. This would ideally be located close to the main entrance to the VCC. Potentially, some secure covered staff parking may be possible here too.
- 1.53 The only existing access for vehicles and pedestrians into the site is from Goffs Park Road. The application proposes a new pedestrian only link from the site onto Perryfield Road, which would be open during limited daytime hours. This would increase permeability through the application site and would offer a significantly quicker route for future residents, staff and visitors to/from Crawley town centre. This would promote the use of walking, encourage healthier lifestyles and potentially reduce the use of less sustainable means of transport. Concern about the creation of this pedestrian access has been raised by residents of Perryfield Road living close to the access point. The creation of the new pedestrian access would be likely to increase use by pedestrians along this part of Perryfield Road, which is a cul-de-sac. However, the level of movement is likely to be limited and would be quiet as it would be restricted to pedestrians only. This is not considered likely to cause significant harm to residential amenity and, in sustainable transport and permeability terms, the proposed pedestrian access is considered a benefit arising from the scheme. A planning condition can be used to secure the implementation and ongoing availability of this pedestrian access.
- 1.54 Overall, the scheme proposes an acceptable level of car and cycle parking. The cycle provision and new pedestrian access should help to encourage travel by sustainable means. The Local Highway Authority has also recommended conditions to ensure that the parking provision is made available, that the impact of construction traffic is addressed and that encouragement of travel by sustainable means is carried out. Subject to these controls and to revisions to the cycle parking, the scheme is considered acceptable in transport and highways terms.

### Sustainability

- 1.55 The applicant has submitted an Energy and Sustainability Statement as part of the application. This states that the Care Apartments within Blocks A-D, with individual boilers, will be built to a standard which meets Building Regulations requirements for energy efficiency and carbon emissions and will achieve a water consumption rate no greater than 105 litres of water per person per day. The proposed Village Care Centre building would adopt a fabric first approach to achieving energy efficiency. It would also utilise a Combined Heat and Power unit and incorporate an additional 50m<sup>2</sup> of solar PV. This would enable the Village Care Centre building to achieve a BREEAM Outstanding rating for energy and water credits.
- 1.56 The sustainability measures proposed are considered acceptable and in compliance with Local Plan policies. As requested by the Forward Planning team, these measures can be secured by condition.

## Trees, Landscaping and Ecology

- 1.57 The applicant has submitted an Arboricultural Impact Assessment and an Ecology Report. There are many existing trees and other vegetation on the site, a number of which are protected. These are primarily located around the site boundary.
- 1.58 In terms of trees, a total of eight individual trees and four groups of trees are proposed to be felled. It is proposed to plant 52 new trees on the site. Of the trees to be removed, two are dead. One of these lies close to the boundary with Malvern Road houses. One suppressed Scots Pine that is overshadowed by adjoining trees at the end of Malvern Road is proposed to be removed. One small cherry at the site entrance is proposed for removal, along with a few trees/groups situated fairly centrally on the site between existing buildings. In terms of visual amenity and screening for neighbours, the loss of the Horse Chestnut along the Malvern Road boundary is of most concern. This tree is suffering from cavities and decay and has been assessed as Category U with a life expectancy of less than ten years. Its loss is therefore considered acceptable. Overall, the Council's Arboriculturist has accepted the findings of the Arboricultural Impact Assessment and has raised no objection to the proposed tree removal. Tree protection measures for the trees to be retained are proposed and can be secured by condition.
- 1.59 A Landscape Masterplan has been included as part of the application. It indicates additional tree and hedge planting, although does not specify species. Some of the new planting is located along the site boundaries, such as five trees proposed on the boundary between Block A and Nos. 9-27 Malvern Road. Additional boundary planting is also shown to the rear of Perryfield Road houses and along the Winter Gardens boundary. Other new tree planting would take place at the site entrance, along the proposed access road and within external car parking areas. Limited detail has been provided, but officers are satisfied that a detailed landscaping scheme could enhance the appearance of the site and provide a visual screen between neighbouring houses and the proposed buildings. The additional detailed information could be secured by condition.
- 1.60 Local Plan policy CH6 and the supporting Green Infrastructure SPD requires replacement planting where trees are lost within a site in order to maintain the high level of tree cover within Crawley. Using the details provided in the Arboricultural Impact Assessment, the policy requires 39 replacement trees. The landscaping scheme proposes 52 new trees to be planted on site, so no off-site financial contribution is required.
- 1.61 Ecological investigation of the site has been carried out on behalf of the applicant. This found limited ecological interest currently. No evidence of bat roosting within the existing vacant buildings was found. A number of neighbours have commented that they frequently see bats in the area. These bats may be roosting elsewhere or within trees on the site. In neither case should the bats be adversely affected by the development, subject to mitigation measures including control over lighting. Birds are certain to nest in the existing trees, but again there was no evidence of nesting within existing structures. No other protected species were identified during the survey.
- 1.62 The Council's Consultant Ecologist has raised no objection to the proposal, subject to a condition requiring implementation of the recommendations and mitigation work set out in the applicant's ecology appraisal. The recommendations include a final bat survey pre-demolition, protection of existing trees and shielding them from new lighting and the installation of bat and bird boxes on the proposed buildings.

## Drainage and flooding

- 1.63 Thames Water's comments set out the need to ensure satisfactory provision for surface water drainage. The company will not accept surface water flows to the public foul sewer until other options have been explored and their comments set out limits on discharges to reduce flood risk downstream.
- 1.64 Current modelling suggests that the site is at low risk from ground water flooding. West Sussex County Council's Flood Risk team raise no objection subject to details of surface water drainage designs, based on sustainable drainage principles, and related ongoing maintenance being

submitted to and approved by the Local Planning Authority. On the basis of advice received, it is considered that the potential impact of flooding and increased surface water run-off can be dealt with by condition.

#### Gatwick Airport

- 1.65 The proposed development would increase the height of buildings on the site, which itself lies on relatively high ground. GAL Safeguarding have commented on the application and requested a number of planning conditions. These relate to a restriction on the overall height of the proposed buildings, implementation of a Bird Hazard Management Plan, details of landscaping and renewable energy schemes to ensure the safe movement of aircraft. The applicant has confirmed that the maximum height of the building would be below the 104.35 metres AOD limit specified by Gatwick. Subject to these controls and to an informative on potential use of cranes, the airport raises no objection to the proposal.

#### Archaeology and Heritage

- 1.66 The applicant has submitted an Archaeological Assessment. This clarifies that the site is not covered by any archaeological designation and that there are no known heritage assets within the site. In addition, the site was redeveloped in the early 1990s to form the existing vacant care home buildings. It is not considered that further archaeological investigation of the site is warranted.
- 1.67 No. 48 Goffs Park Road, with its distinctive tower feature, is a Locally Listed Building. There is an Area of Special Local Character opposite and to the south-east of the site extending along Goffs Park Road. The proposed buildings would have relatively limited visibility from Goffs Park Road and would be around 50 metres from No. 48, with No. 46 situated in between. The Area of Special Local Character is defined by its spacious quality and by the trees and hedges lining the road. The application site has some mature vegetation on its boundary to Goffs Park Road, which could help to protect and extend the character of the designated area to the east. It is not considered that the proposal would have a significant impact upon either the Locally Listed Building or the nearby Area of Special Local Character.

#### Infrastructure contributions and Section 106 agreement

- 1.68 Policy IN1 of the Crawley Borough Local Plan 2015-2030 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will be implementing a Community Infrastructure Levy (CIL). Crawley's CIL took effect from 17 August 2016. Given the officer recommendation not to pursue a refusal based on the C3 Use Class, it would consequently not be appropriate to seek a CIL contribution based on the Council's Charging Schedule.
- 1.69 The applicant has suggested a legal agreement to secure care and age related requirements for future residents of the development. The proposed Perryfield Road pedestrian only access also needs appropriate measures to secure its provision and ongoing availability for use by residents and visitors. These can both be secured through a Section 106 agreement.

#### **CONCLUSIONS:-**

- 6.1 The proposed development would provide a total of 121 individual units of accommodation for older people. This would help to address some of the local housing needs of an ageing population and would be in accordance with the site allocation under Policy H2 of the Local Plan. Officers have unsuccessfully sought to secure affordable housing provision from the 34 Care Apartments, which are considered by officers, although not the applicant, to potentially fall within the C3 use class. The lack of an affordable housing contribution would weigh against the scheme in this sense, although, as set out above, appeal decisions on such schemes have often taken the view that such units fall within the C2 use class. Officers have concluded that, taking account of the barrister's advice, appeals decisions and given that this is a unique development in Crawley, the scheme should not be refused on this basis.



- 6.2 The design of the proposed buildings has been significantly improved. The buildings, particularly the Village Care Centre, remain very bulky but now have more contemporary and ordered elevations. Given the relatively limited visibility of the site from public viewpoints, the design and external appearance of the buildings is considered adequate. Adjoining neighbours would clearly notice the significantly increased height, bulk and massing of the proposed buildings from their houses and gardens. The applicant has broadly addressed the Council's window to window distances in respect of overlooking although, in some cases, the proposed buildings would be close to the site boundaries and could cause overlooking to adjoining gardens. Parking and transport arrangements, sustainability, trees and ecology can all be satisfactorily addressed by planning conditions.
- 6.3 Officers have sought to weigh up the above issues in a balanced way and have reached the conclusion that refusal would be difficult to sustain at appeal. The proposal would deliver the beneficial reuse for older persons' housing of a brownfield site that has been vacant for a number of years. The visual impact upon neighbouring gardens can be mitigated to some extent by additional and substantial landscaping to further screen neighbouring houses. On balance therefore and taking account of all material considerations, officers recommend approval of the application subject to the satisfactory completion of a legal agreement and to the conditions listed below.

**RECOMMENDATION RE: CR/2016/0972/FUL**

PERMIT - Subject to the conclusion of a Section 106 Agreement to secure:

- Qualifying requirements relating to age (over 60) and minimum level of care (one and a half hours per week) for future residents;
- Implementation and ongoing availability of the proposed pedestrian access to Perryfield Road; and

subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:  
(Drawing numbers to be added)  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
  - the anticipated number, frequency and types of vehicles used during construction;
  - the method of access and routing of vehicles during construction;
  - the parking of vehicles by site operatives and visitors;
  - the loading and unloading of plant, materials and waste;
  - the storage of plant and materials used in construction of the development;
  - the erection and maintenance of security hoarding;
  - a dust management scheme to minimise the impact of dust from construction and demolition activities;
  - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
  - details of public engagement both prior to and during construction works.
 REASON: In the interests of highway safety and the amenities of the area and adjoining residents in accordance with policy CH3 of the Crawley Borough Local Plan.

4. Before any work for the implementation of this permission commences, detailed plans and particulars of the existing and proposed land levels, access road and parking area levels and the finished floor levels of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The buildings, access road and parking areas shall be constructed in accordance with the approved levels.  
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity for adjoining residents in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. No development shall be carried out unless and until a schedule of materials and finishes, together with samples of such materials and finishes, to be used for external walls and roofs of the proposed buildings and for hard landscaping have been submitted to and approved by the Local Planning Authority.  
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
6. No development including demolition or the setting out of construction compounds shall take place until tree protection measures, in accordance with the recommendations of the S J Stephens Associates Arboricultural Impact Assessment dated 11 November 2016, have been fully implemented. Within the protected areas fenced off, the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered. No development, including demolition and excavation, shall take place other than in accordance with the recommendations set out in the S J Stephens Arboricultural Impact Assessment.  
REASON: To ensure the retention of vegetation important to the visual amenity and ecology of the area, to protect the privacy of adjoining residents and in accordance with policies CH3 and ENV2 of the Crawley Borough Local Plan 2015-2030.
7. No development shall take place other than in accordance with the Precautionary Mitigation and Recommendations set out in Section 5 of the Initial Ecology and Protected Species Appraisal report by James Johnston Ecology, dated 1 Mar 2016 and the Recommendations given in Section 4 of the Ecology Addendum – Bat Survey by James Johnston Ecology, dated 4 Aug 2016.  
REASON: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the National Planning Policy Framework and policy ENV2 of the Crawley Borough Local Plan 2015-2030.
8. No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, hard and soft, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The details of soft landscaping works to be submitted to and approved in writing by the Local Planning Authority must comply with Advice Note 3, 'Wildlife Hazards Around Aerodromes', available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>. The details shall include:
- Grassed areas;
  - The species, number and spacing of trees and shrubs; and
  - Details of any water features.
- No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of amenity and of the environment of the development, to protect the privacy of adjoining residents and to avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds and an increase in the bird hazard risk of the application site in accordance with policies CH3 and IN1 of the Crawley Borough Local Plan 2015 - 2030.

9. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The submitted details shall provide full details of the maintenance and management of the SUDs system in a site-specific maintenance manual. The scheme shall subsequently be implemented and thereafter maintained and managed in accordance with the approved details.  
REASON: To prevent the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any existing or new trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of amenity and of the environment of the development, to protect the privacy of adjoining residents in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
11. The development hereby approved shall not be occupied until the parking spaces and turning facilities shown on the approved plans have been provided in full. The facilities so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030 and the parking standards set out in the Urban Design Supplementary Planning Document.
12. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.  
REASON: To encourage and promote sustainable transport and in accordance with policies IN3 and IN4 of the Crawley Borough Local Plan 2015-2030.
13. No building or structure forming part of the development hereby permitted shall exceed 104.35m AOD.  
REASON: As development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Gatwick Airport and endanger aircraft movements and the safe operation of the aerodrome and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended, no windows, rooflights or other openings (other than those shown on the plans hereby approved) shall be formed in the walls/roofs of the development hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.  
REASON: To protect the amenities of adjoining residential properties, in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
15. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.  
The Bird Hazard Management Plan shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON: It is necessary to manage the roofs in order to minimise their attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport and in accordance with Policy IN1 of the Crawley Borough Local Plan 2015-2030.

16. The Village Care Centre building shall not be occupied until a copy of a post-construction report, verifying that it has achieved the minimum Energy and Water standards for BREEAM 'Excellent', has been submitted to and agreed in writing by the Local Planning Authority.  
REASON: In the interests of sustainable design and efficient use of water resources in accordance with policies ENV6 and ENV9 of the Crawley Borough Local Plan 2015-2030.
17. The Care Apartments in Blocks A, B, C and D permitted as part of this development shall not be occupied until details have been submitted to the Local Planning Authority to demonstrate that each apartment shall achieve a water efficiency standard by consuming not more than 110 litres per person per day maximum water consumption.  
REASON: In the interests of sustainable design and efficient use of water resources in accordance with policy ENV9 of the Crawley Borough Local Plan.
18. No development shall take place until full details of the proposed renewable energy schemes have been submitted to and approved in writing by the Local Planning Authority. No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the development being first occupied.  
REASON: In the interests of sustainability and to ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with communication, navigational aids and surveillance equipment in accordance with Policies ENV6 and IN1 of the Crawley Borough Local Plan 2015-2030.
19. Details of combined television, DAB and FM aerial facilities to serve all parts of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to occupation of any part of the development and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of the visual amenities in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
20. No external lighting or floodlighting shall be installed within the site without the prior written approval of the Local Planning Authority.  
REASON: To safeguard the amenities of nearby residents and to avoid potential disturbance to bats using the site in accordance with Policies CH3 and ENV2 of the Crawley Borough Local Plan 2015-2030.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended, no parts of the roofs of any of the buildings hereby approved shall be used as a balcony or terrace or amenity area nor shall any access be formed thereto unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To safeguard the amenities of the occupiers of adjoining property in accordance with policy CH3 of the Crawley Borough Local Plan.

## INFORMATIVES

1. The water efficiency standard required under condition 17 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com)

The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

3. In drawing up a method statement for dust control, regard shall be had to either or both of the following documents.
  1. The control of dust and emissions from construction and demolition. Best Practice Guidance. A production of the Greater London Authority and London Councils. [www.london.gov.uk/mayor/environment/air\\_quality/construction-dust.jsp](http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp).
  2. BRE. Control of Dust from construction and Demolition Activities. [www.bre.co.uk](http://www.bre.co.uk)
4. Within the boundaries of Crawley Borough Council the Control of Pollution Act 1974 is used to control noise from construction sites. Section 60 of the Act permits Local Authorities to specify the hours that noisy works are permitted.

The permitted hours for noisy construction work in the Borough of Crawley are as follows:  
0800 to 1800 Monday to Friday and  
0800 to 1300 on Saturday.

With no noisy construction works taking place on Sundays, bank holidays, public holidays, Christmas Day, Boxing Day or New Years' Day.

The developer shall at all times employ best practical means to minimise noise disturbance to nearby residents. All construction work practises shall comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'. Any exemptions to the above hours must be agreed with The Environmental Health Team in advance.

The applicant must make all contractors and subcontractors aware of these times.

5. With regard to surface water drainage, Thames Water advises that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

6. The applicant is advised to consider the advice provided by Sussex Police with regard to this application in relation to the Secured by Design scheme. Further details can be found through the website [www.securedbydesign.com](http://www.securedbydesign.com).
7. With regard to water supply, this comes within the area covered by the Southern Water PLC. For your information the address to write to is - Southern House, Yeoman Road, Worthing, West Sussex BN13 3NX Tel - (0845) 2780845
8. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL and associated forms visit [www.crawley.gov.uk/cil](http://www.crawley.gov.uk/cil), email [development.control@crawley.gov.uk](mailto:development.control@crawley.gov.uk) or telephone 01293 438644 or 438568. To avoid additional financial penalties the requirements of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Please also note that any reliefs or exemptions from CIL are subject to the correct procedures being followed as laid down in the regulations, including the following:
  - Where a CIL exemption or relief has to be applied for and granted by the council, it can only be valid where the development in question has not yet commenced at the time when exemption or relief is granted by the council.

- A person will cease to be eligible for any CIL relief or exemption granted by the council if a Commencement Notice is not submitted to the council before the day on which the development concerned is commenced.
- Any event occurred during the 'clawback period' for a CIL relief or exemption which causes the relief or exemption to be withdrawn is known as a 'disqualifying event'. When such an event occurs the person benefitting from the relief or exemption must notify the council of the event within 14 days, or a surcharge will become applicable.

## 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:

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- Liaising with the applicant and agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking amended plans/additional information to address identified issues during the course of the application.

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



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

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