

**REFERENCE NO: CR/2021/0685/OUT**

**LOCATION:** [TEN SIXTYSIX, BALCOMBE ROAD, POUND HILL, CRAWLEY](#)  
**WARD:** Pound Hill North & Forge Wood  
**PROPOSAL:** OUTLINE APPLICATION FOR DEMOLITION OF EXISTING RESIDENTIAL DWELLING AND OUTBUILDINGS AND REDEVELOPMENT OF THE SITE TO PROVIDE A NEW 64-BED CLASS C2 CARE HOME WITH ASSOCIATED CAR PARKING AND LANDSCAPING.

**TARGET DECISION DATE:** 13 December 2021

**CASE OFFICER:** Mrs V. Cheesman

**APPLICANT'S NAME:** Muller Property Group

**AGENT'S NAME:** Walsingham Planning

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**PLANS & DRAWINGS CONSIDERED:-**

Drawing Number	Revision	Drawing Title
2974-HIA-01-00-DR-A-0101		Site Location Plan
2974-HIA-01-00-DR-A-0102		Existing Site Plan
2974-HIA-01-00-DR-A-0102	P6	Indicative Site Plan
2974-HIA-01-00-DR-A-0201	P6	Indicative Ground Floor Plan
2974-HIA-01-01-DR-A-0202	P6	Indicative First Floor Plan
2974-HIA-01-02-DR-A-0203	P6	Indicative Second Floor Plan
2974-HIA-01-03-DR-A-2701		Indicative Roof Plan

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |   |  |
|---|--|
| 1. GAL Planning Department                | objection as noise levels will be above the 63dBA contours   |
| 2. GAL Aerodrome Safeguarding             | no objections subject to conditions  |
| 3. Environment Agency                     | no comments to make  |
| 4. WSCC Highways                          | no objections subject to conditions  |
| 5. CBC Drainage Officer                   | no objections subject to conditions  |
| 6. CBC Planning Arboricultural Officer    | no objections subject to conditions  |
| 7. CBC Environmental Health Officer       | recommends refusal as the design does not meet the requirements of Policy ENV11 and the noise annex                                |
| 8. CBC Energy Efficiency & Sustainability | no objections subject to conditions  |
| 9. Listed Building Officer                | objections on grounds of loss of existing building and that the development does not respond to the local character and vernacular |
| 10. Ecology Officer                       | no objections subject to conditions  |
| 11. WSCC Lead Local Flood Authority       | no objections subject to conditions  |
| 12. Thames Water                          | no objections  |
| 13. Crawley Cycle and Walking Forum       | comments on number of cycle spaces and links to cycle networks   |

**NEIGHBOUR NOTIFICATIONS:-**

Balcombe Road: The Open Door, Battle Oaks Farm, Horse Shoe Cottage, April Cottage, Moss Lea, Black Corner Small Holding.

Radford Road: Malvern, Brent Cottage, Oaklands.

## **RESPONSES RECEIVED:-**

Two representations have been received in objection on the grounds of:

- Loss of privacy and overlooking due to removal of vegetation and position of new building and windows
- Noise and disturbance from traffic and activity and parking spaces close to joint boundary
- Construction noise
- Inadequate parking
- Inadequate access for large vehicles
- Speed of traffic along Balcombe Road, no pathways or crossing places, concerns at additional traffic, especially elderly drivers
- Scale of development compared to surrounding properties
- Impact on birds and wildlife
- Too much development in the locality.

One representation of comment has been received referring to:

- on land reserved for future Gatwick development
- boundary fences required
- no objection to removal of tree leaning over the site
- refers to fatal accidents along this part of Balcombe Road and so clear view to exit and enter required.

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

Major application.

## **THE APPLICATION SITE:-**

- 1.1 The application site comprises the existing detached two storey dwelling Ten Sixtysix and its associated outbuildings and grounds. It is situated on the west side of Balcombe Road in the neighbourhood of Pound Hill North and Forge Wood.
- 1.2 Ten Sixtysix is an attractive period property dating from the 1880's. It is constructed from red stock brick at ground floor with white timber weatherboarding at first floor. The roof is of slate. The leaded windows at ground floor level appear to be original. To the south elevation is a veranda with a swept rolled lead roof, enclosed partly with glazing. Both these original features contribute to the local character and architectural value of the building. The building is proposed to be added to the list of Locally Listed Buildings.
- 1.3 The dwelling fronts onto the road with a single access point located to the south and a driveway that leads round to the rear to a detached garage. It has extensive grounds to the west, which borders onto the rear boundaries of the dwellings in Radford Road. To the north, the boundary adjoins Moss Lea, April Cottage and Horseshoe Cottage. Along the road to the immediate front of the dwelling is an existing hedge. To the south along the road is a hedge at a lower height with close boarded fence behind. Trees along the southern boundary are the subject of Tree Preservation Order 09/2017.
- 1.4 There is no pavement on the west side of Balcombe Road, just a narrow strip of grass verge at the back edge of the highway, but there is a pavement on the east side. Balcombe Road is a 'B' classified road subject to a speed limit of 40mph in this location. Approx. 265m north is the junction with Radford Road ('C' classified road 40pmh).
- 1.5 The site lies within the built up area and is within the Forge Wood allocation. It is within a Priority Area for a District Energy Network (ENV7). A small part of the site at the north west tip of the site is shown to be within the Gatwick safeguarded area. The site is positioned between the 63dB and the 66dB aviation noise contours.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 The application seeks outline planning permission for the demolition of the house Ten Sixtysix and its outbuildings and the erection of a 64-bed care home – Class C2 Residential Institutions, with associated parking, access and landscaping. The application is for outline planning permission, with access to be assessed in detail at this stage. The other matters of appearance, landscaping, layout and scale are to be considered at the reserved matters stage.
- 2.2 As well as a location plan showing the application site of 0.548ha outlined in red, an existing site plan and plans to show the access details (which are contained within the Transport Statement), a series of indicative plans have also been submitted. These plans comprise an indicative site plan, indicative ground, first and second floor plans, and a general roof plan; plus a tree constraints plan and a tree retention and protection plan.
- 2.3 These indicative drawings show that a u-shaped building of some 3810 sqm (internal) of floor area would be erected, with a new widened access point and a large parking area across the road frontage, with the building located on the rear (western) part of the site. Using the indicative plans, the maximum width of the front elevation would measure some 55m in length and the northern wing would be 53m in length, with the southern wing being some 42m in length.
- 2.4 The indicative floor plans illustrate that there would be 64 bedrooms, each with an ensuite bathroom. In addition, on the ground floor there would be a lounge, a dining room, a seating area, assisted bathroom and separate wc to each wing, and a café, with winter garden, and hair salon, with 2 nurses stations and drugs room, plus 2 office areas. On the first floor, the residential accommodation would be replicated together with a therapy room, activity room, cinema, winter garden and a further seating area. The second floor plan indicates that there would be a plant room, laundry, kitchen, changing rooms, comms room and a staff room. The application has been amended since its initial submission with the inclusion of the winter gardens to address concerns regarding noise levels in the external amenity spaces.
- 2.5 Whilst no elevations have been supplied, other than an artists impression in the Design and Access Statement, the roof plan illustrates that the building would have crown roof design (a central flat roof area surrounded by pitched roof slopes).
- 2.6 The access plans show that the existing access is to be widened to the south to form a 6m wide access point with 7.5m radii. On either side of the access point a 2m wide footway into the site is proposed, with 2 crossing points comprising tactile paving and dropped kerbs.
- 2.7 The application has been submitted with the following supporting documents:
  - Planning Statement
  - Design and Access Statement
  - Transport Statement, Stage I Road Safety Audit and Designers Response
  - Travel Plan
  - Heritage Impact Assessment
  - Local Character Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Care Home Need Assessment
  - Arboricultural Impact Assessment and Method Statement
  - Ecological Impact Assessment
  - Noise Impact Assessment and Technical Strategy Reports
  - Geo environmental Phase 1 Site Appraisal

## **PLANNING HISTORY:-**

- 3.1 There is no planning history for the property.

## **PLANNING POLICY:-**

### **4.1 National Planning Policy Framework (July 2021)**

- Section 2 – Achieving sustainable development. This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.
- Section 4 – Decision Making states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way.
- Section 5 – Delivering a sufficient supply of homes. To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Section 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.
- Section 9 – Promoting sustainable transport – this section states that opportunities to promote walking, cycling and public transport use should be pursued.
- Section 11 – Making effective use of land – this section promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.
- Section 12 – Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Development that is not well designed should be refused.
- Section 16 – Conserving and enhancing the historic environment - provides guidance on development proposals that impact on heritage assets. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness

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

#### **4.2 The following policies from the Crawley Borough Local Plan are most relevant to the proposal:**

- 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 Principle states that the town's structure will be protected and enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- Policy CH2: Principles of Good Urban Design seeks to assist in the creation, retention or enhancement of successful places.
- 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 including residential extensions.
- 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 though meeting Building Regulations Part M Category 2. Residential developments should be designed to include amenity space standards adequate to meet basic privacy, amenity and usability requirements.
- 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. Where development proposals would result in the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies. If on-site provision is not feasible or desirable, commuted sums will be sought in lieu.
- Policy CH12: Heritage Assets. 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 result of development.
- Policy CH16: Locally Listed Buildings. All development will seek to ensure the retention of buildings included on the Crawley Borough Local Buildings List. Development should also maintain features of interest and respect or preserve the character or setting of the building.
- Policy H1: Housing Provision. The council will positively consider proposals for the provision of housing to meet local housing needs, taking a pro-active approach to identifying suitable sites for housing development and working to overcome constraints wherever possible, whilst ensuring against detrimental town-cramming or unacceptable impacts on the planned character of the existing neighbourhoods or on residential amenity.
- Policy H2: Key Housing Sites. Key housing sites are identified and allocated on the Local Plan Map.
- 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.
- Policy ENV2: Biodiversity: All development proposals will be expected to incorporate features to encourage biodiversity where appropriate.
- 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 the Building Regulations, and any subsequent increased requirements. Proposals for new non-domestic buildings should achieve BREEAM Excellent (for water and energy credits) where technically and financially viable.
- Policy ENV7: District Energy Networks. The development of district energy networks and associated infrastructure is encouraged and should be approved unless it results in significant adverse impact on the environs.
- 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. For non-residential development, where technically feasible and viable, development should meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits. Applicants must demonstrate how they have achieved the requirements of this Policy within their Sustainability Statement as required by Policy ENV6.
- Policy ENV11: Development and Noise seeks to protect people's quality of life from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Residential and other noise sensitive development in areas that are exposed to significant noise from existing or future industrial, commercial or transport noise sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users of the development will be made acceptable. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted. Further guidance on this policy is provided in the Crawley Local Plan Noise Annex.
- Policy ENV12: Air Quality states that development proposals that do not result in a material negative impact on air quality will normally be permitted
- 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.
- 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.
- Policy IN5: The Location and Provision of New Infrastructure. New or improved infrastructure is supported in appropriate locations where the facilities are required to support development or where they add to the range and quality of facilities in the town
- Policy GAT2: Safeguarded Land. The Local Plan Map identifies land which will be safeguarded from development which would be incompatible with expansion of the airport to accommodate the construction of an additional widespaced runway (if required by national policy) together with an commensurate increase in facilities that contribute to the safe and efficient operation of the expanded airport.

#### Draft Crawley Borough Local Plan 2024-2040

4.3 The Local Plan Review 2024-2040 was approved at the Full Council meeting on 22 February to go out to Regulation 19 consultation. This statutory consultation will take place from 9 May 2023, in accordance with the council's approved Local Development Scheme. Submission of the Local Plan to the Secretary of State will then happen later in the year. Limited weight should be given to the following relevant policies:

- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Enabling Healthy Lifestyles and Wellbeing
- 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 DD5: Aerodrome Safeguarding
- Policy HA1: Heritage Assets
- Policy HA5: Locally Listed Buildings
- Policy 1N1 Infrastructure Provision
- Policy IN2: The Location and Provision of New Infrastructure
- Policy IN3: Supporting High Quality Communications
- Policy GAT2: Safeguarded Land
- Policy H1: Housing Provision
- Policy H2: Key Housing Sites
- Policy H3: Housing Typologies
- Policy H4: Future Housing Mix
- Policy H5: Affordable Housing
- Policy GI1: Green Infrastructure
- Policy GI3: Biodiversity and Net Gain
- Policy SDC1: Sustainable Design and Construction
- Policy SDC2: District Energy Networks
- Policy SDC3: Tackling Water Stress
- Policy EP1: Development and Flood Risk
- Policy EP4: Development and Noise
- Policy EP5: Air Quality
- Policy ST1: Development and Requirements for Sustainable Transport
- Policy ST2: Car and Cycle Parking Standards

#### Supplementary Planning Documents

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

- Urban Design SPD 2016:  
With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. The document provides guidance on residential development including external private amenity space standards. It also sets out the car and cycle parking standards for the Borough.
- Green Infrastructure SPD 2016:  
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 and includes a costing of £700 per tree in lieu of on-site planting. It also sets out the open space standards and costings. The document also links to the Urban Design SPD and in respect of considering landscaping as part of high quality design.
- Planning and Climate Change SPD 2016:  
This SPD includes further guidance and justification on sustainability policies within the Local Plan (Policies ENV6, ENV7, ENV8, ENV9 and IN3).
- Affordable Housing SPD (2017)  
This SPD includes further guidance on the requirements of policies H3 and H4 in the Local Plan and when affordable housing will be sought from residential development.
- Crawley Community Infrastructure Levy Charging Schedule 2016  
The Crawley CIL Charging Schedule has been in effect since 17th of August 2016 and is also relevant to this application as the proposal would create new residential flats.
- Developer Contributions Guidance Note (published July 2016)  
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 This application is for outline planning permission with access to be approved, and the layout, scale, appearance and landscaping to be reserved matters. Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, defines these matters as:

- Access – *“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.”*

And:

- Layout – *“the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.”*
- Scale – *“the height, width and length of each building proposed within the development in relation to its surroundings.”*
- Appearance – *“the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.”*
- Landscaping – *“the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features”*

5.2 Whilst matters of the layout, scale, appearance and landscaping are reserved, it is crucial that it is demonstrated that this scheme for the 64 bed care home can be accommodated on the site in a manner that is policy compliant in all respects, before outline permission is granted.

5.3 The main planning issues in the determination of this application are thus whether this outline scheme to develop the site for a 64 bed care home is acceptable in principle having regard to existing national and local policy, which requires all development to be of a high standard of design and layout in-keeping with the character of nearby development and the surrounding area, and to provide a high quality environment and quality of life for future residents.

5.4 Accordingly, this report will consider the following aspects:

- The principle of the development in this location
- Noise impacts
- Design, appearance and layout of the proposal and its impact on the character and visual amenities of the area
- Highways, access and parking, and operational requirements
- Acceptability of the accommodation proposed for future occupiers
- Impact on the amenities of the occupants of neighbouring properties
- Trees and landscaping
- Ecology and biodiversity net gain
- Sustainability
- Provision of affordable housing
- Gatwick Airport safeguarding
- CIL, s106 requirements and infrastructure contributions.

### **The principle of the development in this location**

5.5 Policy SD1 of the adopted Local Plan confirms that the council will take a positive approach to approving development which is sustainable. This includes where it meets the strategic objectives, set out in the Policy, including, amongst other matters, that 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; that it provides a safe and secure environment for its residents and visitors; that it provides for the social and economic needs of the current and future population of the

town, and where it accords with the policies and objectives set out in the Plan, unless material considerations indicate otherwise.

- 5.6 In general terms housing policies would support the provision of older persons accommodation and, as care home stock forms a very specific part of the housing needs market, it is also defined as under the Local Plan as 'infrastructure' and those policies (IN1 and IN5) would offer support for additional facilities.
- 5.7 Policy H1 states that the Council will positively consider proposals for the provision of housing to meet local housing needs, whilst ensuring against unacceptable impacts on residential amenity. The site is within the defined built-up area and is within the wider allocation for housing in the current Local Plan for the new Forge Wood neighbourhood under Policy H2. However, it is outside of the area shown on the approved Forge Wood master plan and as such is classed as residual land. It is thus categorised as a 'Broad Location' for housing.
- 5.8 The adopted Local Plan confirms that any site considered appropriate for housing development would be positively considered for older people's accommodation through the decision-making process, providing the densities of any proposals ensure the capacity of the site is maximised, (paragraph 6.30). Paragraph 6.39 of the Local Plan confirms the physical constraints of the Borough that are to be considered against new housing development include airport safeguarding and aircraft noise.
- 5.9 Thus whilst the site is within the built-up area and on this aspect alone could be considered appropriate for housing, development must accord with the policies and objectives set out in the Plan as a whole. In particular, in this case the noise environment is a key consideration in determining whether the site is one that can provide a suitable standard of living environment and hence a high quality of life for future occupants.
- 5.10 In addition, in assessing the scheme as whole, it would need to provide a high quality development that would deliver a high standard of environment and quality of life for new and existing residents, as well as reflecting and respecting the character of the area, having due regard to the constraints and opportunities that apply to this site. These aspects are considered in more depth below.

#### Noise impacts

- 5.11 Policy ENV11 seeks to protect future residents from unacceptable noise impacts and it requires a noise impact assessment where sensitive development is proposed in noisy locations. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted, unless appropriate mitigation, through careful planning, layout and design, can be provided. Thus residential development will only be permitted where it can be demonstrated that residents will not be exposed to unacceptable noise disturbance from existing or future uses.
- 5.12 The specific noise sources for this site are aviation noise due to the proximity of Gatwick Airport (including the potential wide-spaced southern runway) and road noise from Balcombe Road. For transport sources Policy ENV11 of the adopted Local Plan states that the unacceptable level is where noise exposure is above 66dB. Thus residential development in such circumstances would be unacceptable in principle.
- 5.13 The Local Plan references the aviation noise contours in the Noise Annex to ENV11. Noise was one of the considerations at the Public Inquiry in respect of the outline permission for Phase 1 Steers Lane, which lies to the south of this site, when it was agreed between the parties and confirmed by the appeal Inspector that as that site was below the 66dB contour line the issue could be resolved with good acoustic design and a carefully considered housing layout, both for the site as a whole and at plot level for all of the individual dwellings.
- 5.14 Since this appeal decision for Steers Lane Phase 1, new noise contours have been published based on the metrics produced by the CAA's Environmental Research and Consultancy Department. Using these more recent contours, the application site is situated between the 63dB and 66dB noise contours. A very small area of the site, in its northwest corner, is situated within the 66dB noise contour, but no noise sensitive development is proposed in that location. Thus the site is below the 66dB threshold as set out in Policy ENV11. In regard to the representation from the GAL Planning

Department who object as the site is above the 63dB contour, it should be noted that this is in relation to the emerging policy in the new Local Plan where the noise threshold for aviation noise is to be 60dB, however currently that draft policy carries little weight at this early stage in the plan process.

- 5.15 Thus from an aviation noise point of view residential development on the application site is acceptable in principle as it is below the 66dB contour. The site will still be subject to aviation noise pollution, just at a lower dB level, which can be mitigated. However, as accepted by the appeal Inspector for Steers Lane Phase 1 as aircraft noise comes from above, it affects the whole of the site and therefore the overall layout is not the sole issue, but rather it is a mix of elements including the overall layout as well as the design and internal arrangements of the care home building, the proposed ventilation system and the design of the external amenity space. Therefore, a combination of careful acoustic design and layout is essential to ensure that noise impacts can be made acceptable.
- 5.16 The updated noise report indicates that as well as the use of an enhanced roof construction, high levels of insulation and double glazing, the windows would have to be sealed with a cooling/ventilation system.
- 5.17 With regard to the outdoor space, the revised proposals that have been submitted to address these noise concerns indicate that the gardens surrounding the care home are no longer to be used for amenity space, but instead a small winter garden is proposed within the area at the rear, enclosed by the building on 3 sides. In addition, the first floor terrace area on the east elevation has been enclosed to provide another smaller winter garden. The agent advises that the winter gardens *'will have the feel of being outside – stepping through the building's threshold and into a glass space filled with plants and landscaping, with further planting and landscaping outside. The noise report confirms that this amenity space can be acoustically treated to ensure satisfactory noise amenity to people using the winter garden.'*
- 5.18 A key issue is that overall residents would be unable to open windows and enjoy any natural ventilation without experiencing noise, there would be no escape from the noise in their bedrooms and there would be no alternative areas of the care home building or site that could be used, especially as residents would occupy a specific individual bedroom. The solution of using sealed windows for a residential care home is not considered to be acceptable and does not provide an acceptable quality of life for residents.
- 5.19 Equally as important, the outdoor space could not be enjoyed as intended due to the noise environment. Whilst the winter gardens are a possible solution, the areas are quite limited and are not considered to be adequate compensation, compared with the use of the wider grounds surrounding the care home. Overall in these circumstances the quality of the living environment for future residents of the care home would not be acceptable and would have adverse impacts on their health and wellbeing, especially from sleep disruption due to noise/overheating if the windows are not sealed and there is no cooling system, or from lack of choice through the use of sealed windows; as well as impacting upon the effective use of the outdoor space which is likely to be a key element of their therapeutic care.
- 5.20 The Environmental Health Officer has assessed the submitted documentation and has provided the following comments:

*'Whilst I note the proposal provides more detail on the overheating, ventilation strategy and winter gardens, we feel the applicant has not applied Good Acoustic Design to the fundamental design of the building. As a consequence, Bedrooms on the ground and first floor (East facing façade), and to a lesser extent on the South West façade, are exposed to high noise levels (including L<sub>Amax</sub> levels. The applicant has not considered reconfiguration of the bedrooms exposed to the highest noise levels, the cooling hierarchy (including passive design criteria) or considered reducing noise at source from the road traffic noise, by the use of an acoustic barrier on the perimeter of the site.*

*In addition, we had expressed some concern before about the need for sealed windows for vulnerable persons and also the quality of the external amenity space which now relies on a winter garden which would only accommodate approximately 24 persons at the rear, and a limited number at the front of the premises for a total of 64 persons.*

*We do not believe the current design meets the requirements of the Local Plan (policy ENV11), the noise annex and PNADS which refers to ProPG guidance. Consequently, I cannot support the application with its current design format and therefore I recommend refusal.'*

- 5.21 With regard to the suggestion of an acoustic barrier, these tend to be extensive measures and can be visually intrusive. Such an approach would not be supported along Balcombe Road and has been resisted on other development sites in the vicinity.
- 5.22 To conclude on this issue, the scheme is unacceptable due to the adverse noise environment and the mitigation measures proposed are not considered to be appropriate and would not provide a suitable standard of living environment for future occupants. The application is thus contrary to policy ENV 11 as well as policies SD1 and H1.

#### Design and appearance of the proposal and its impact on the character and visual amenities of the area

- 5.23 Local Plan policies require that all development in Crawley should be based on a thorough understanding of the significance and distinctiveness of the site and its immediate and wider context. Development should be of a high quality and protect and enhance the distinctive character of the town.
- 5.24 In accordance with Policies CH3 and ENV1 the development and its associated layout needs to reflect and respect the existing sylvan landscape character of the immediate area and the site itself. Development should also have regard to the surrounding built development in the locality and relate sympathetically to its surroundings.
- 5.25 The site lies along Balcombe Road and is currently occupied by one dwelling - a two storey house with some outbuildings. This part of Balcombe Road has a sylvan character, with sporadic two storey buildings set along the road frontage amongst trees and hedges, with narrow driveways and gives a semi-rural appearance as one travels north out of Crawley away from the more built up town centre. There is the Parsons Pig Public House further along the road with the Premier Inn set behind it. The pub is an architecturally distinctive building in the Sussex Arts and Crafts vernacular and is designated as a locally listed building. Whilst the pub and hotel have larger footprints than the other dwellings that front onto Balcombe Road, both are two storey. The overall scale and character of development along Balcombe Road is of low key, small scale, loose knit development indicative of traditional vernacular with the built form fronting the road and being interspersed between the natural landscaping.
- 5.26 Turning to the application proposal, the existing dwelling would be demolished, and a new three storey scale 64 bed care home would be built in its place which would be of a significantly larger footprint and scale. No elevations have been provided as the application is in outline form, but the submitted information includes an indicative site plan and indicative floor plans including a second floor plan with showing further floorspace and a roof plan, together with an artist's impression in the Design and Access Statement.
- 5.27 These indicative drawings show that a u-shaped building of some 3810 sqm (internal) of floor area would be erected, with a new widened access point and a large parking area across the road frontage, with the building set to the rear part of the site. Contrasting with the very limited site coverage of the existing house and ancillary structures, the proposal would result in the built development extending right across the site, from north to south along Balcombe Road and also from the road frontage in the east over to the western rear boundary abutting the gardens of properties along Radford Road. Using the indicative plans, the maximum width of the front elevation would measure some 55m in length and the northern wing would be 53m in length, with the southern wing being some 42m in length.
- 5.28 The Design and Access Statement contains some scale and massing visualisations – these illustrate the overall scale of the scheme, its built form and show how the building would effectively fill the site, with limited gaps to the boundaries. This tight layout means that there is limited scope on the remaining land to screen or soften the building and instead in the main relies on the adjoining offsite trees to provide any landscaping mitigation.
- 5.29 The site coverage, layout and the scale of development is not considered to be sympathetic with the existing established pattern and character of the built and natural surroundings of the application site

and its wider setting, and would introduce a bulk and form of development that does not relate to or respect the distinctiveness of the locality along this section of Balcombe Road and its landscape character.

- 5.30 In particular the scale, height, bulk and form of the 3 storey scale building, which is emphasised by the need to use a crown roof design with a substantial area of flat roof, would be a dominating feature on the site itself and within the streetscene. In addition, the enlarged site access point with extensive parking and turning facilities would be an intrusive feature and open up the frontage allowing wider views of the site and thus to the large care home building. The scheme would be highly prominent in the street scene especially in the approaches from the south. Officers consider that overall the extensive parking area and widened access point would create a large unattractive feature on the road frontage and thus emphasises the inappropriateness and scale of the built form in this location. In addition, the new pavement areas, whilst connecting to the proposed crossing points over to the pavement on the eastern side of Balcombe Road, do not in themselves connect to any other pavement on this western side of the road and extend well past the crossing points. It is considered that this further emphasises the built form and urbanises this section of Balcombe Road.
- 5.31 A number of buildings along this stretch of Balcombe Road are locally listed buildings, namely the Parsons Pig PH, The Cottage in the Wood and The Open Door. In addition, following a review of heritage assets in the Borough, it is proposed that further buildings are also to be designated, including the subject property Ten Sixtysix. The original historic element of Ten Sixtysix is the southern L-shaped range which aligns with the road and includes the distinctive veranda with its swept rolled lead canopy roof on the southern elevation. The subsequent extensions are set back behind the original element including the conservatory to the rear and the single storey addition under a pitched roof to the north east. The existing dwelling is thus a non-designated heritage asset with aesthetic and historic value, that makes a positive contribution to the street scene and informs upon the development of the settlement aligned to Balcombe Road. Ten Sixtysix is the first property in this group of buildings along this stretch of the road from the south and as such sets the scene and sense of place of the historic settlement with buildings aligned to the road frontage. Its side (southern) elevation with the veranda is particularly visible, especially as the first floor is constructed of white painted timber weatherboarding contrasting with the slate roof and as such the dwelling is prominent in the streetscape.
- 5.32 In response to these concerns the applicant has provided a Local Character Assessment report, which analyses the character of the surrounding area and assesses the impact of the proposal. However, it is not considered that the arguments put forward are robust and the comparisons with parts of the Forge Wood development in particular are not strictly applicable as those sites are further to the south and are in a different context, being located within the neighbourhood itself. The comparisons with the Premier Inn and Taylors Pitstop, which are further to the north along Balcombe Road, and are highly visible and unsympathetic developments in the street scene, are similarly not considered to be examples that should justify this scheme. It is not considered that these make a positive contribution to the character of the area and thus do not offer a precedent that should be followed.
- 5.33 Overall, it is considered that the resultant scheme with the loss of the existing building would be out of character with and would fail to protect and enhance the distinctive pattern of development, and landscape features that characterise the area. The proposals do not respond to the local character or vernacular. It is considered that the scheme would therefore be detrimental to the visual amenities of the locality, contrary to policies CH2, CH3, CH12, CH16 and ENV1 of the Local Plan and the relevant paragraphs of the NPPF.
- 5.34 It has not been shown, even on an illustrative basis, that the submitted scheme could be brought forward on the site in a way that is compliant with these policies.

#### Highways, access and parking, and operational requirements

- 5.35 The existing access point onto Balcombe Road would be widened to the south to create a 6m wide access leading to the main entrance to the building and a parking area for 24 vehicles at the front of the site and then up to a delivery bay at the northern boundary to access the service entrance on the north elevation of the building. A staff cycle store and a bin enclosure are also located in this northern part of the site. Either side of the widened access point it is proposed that there would be two new

stretches of pavement, allowing for pedestrian access to the proposed uncontrolled crossing points over to the existing pavement on the eastern side of Balcombe Road.

- 5.36 In terms of the access arrangements, WSCC Highways have reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been recorded injury accidents on Balcombe Road, concentrated at the junction to the north with Radford Road and south with Steers Lane. However, from an inspection of accident data it is clear that this was not due to any defect with site access, nearby junctions or road layout.
- 5.37 The visibility splays required are 121m south and 116m north. The plans show splays of 2.4m by 120m. WSCC advised that considering the scale of the proposals and highway modifications proposed, a Stage 1 Road Safety Audit (RSA) and accompanying Designers Response was required. This has since been submitted and assessed by WSCC, who comment that the visibility splays are in accordance with standards and the swept path of large vehicles shows that manoeuvring can take place to a satisfactory level.
- 5.38 Regarding trip generation and road network capacity, WSCC consider using the TRICs data for care homes with similar parameters reveals 10 movements in AM and 11 in PM peak hours with 129 over the 12-hour period. This increase in trips is not anticipated to result in an operational issue to the capacity of local road network.
- 5.39 In terms of a sustainability and connections to the transport network, whilst there is a footway on the east side of Balcombe Road with the pedestrian crossings proposed, the only facility within suitable walking distance is the public house, although on-site facilities will be provided for the residents. The nearest bus stops on Steers Lane are approximately 9 minute walk and provide services to Crawley, Gatwick, Redhill and Brighton and may be suitable for some staff. Crawley Train Station is a 17 minute cycle and Horley Station is 11 minutes. National Cycle Route 21 could be used for parts of these journeys. In light of this WSCC advise that a full Travel Plan is required to promote sustainable transport options.
- 5.40 WSCC recommend conditions relating to provision of the access prior to occupation, the submission of a construction management plan, and a full Travel Plan.
- 5.41 The parking standards for a care home are 1 space for residents per 20 residents, 1 visitor space for visitors per 8 residents and 1 space for staff per 5 residents. The care home would have 64 residents, giving a parking requirement of 3.2 spaces for residents, 8 for visitors and 12.8 for staff: totalling 24 spaces in total. The quantum of spaces would thus meet the car parking requirements.
- 5.42 The application would thus comply with the relevant highways and access policies and standards, including the pertinent aspects of CH3 and IN4.
- 5.43 However, whilst the scheme would meet the highway technical standards for the access and parking arrangements, and there is no highway objection, as set out in the earlier section, from a visual impact point of view officers consider that overall the parking and access arrangements of the scheme have an detrimental visual impact on the character of the area.

#### Acceptability of the accommodation proposed for future occupiers

- 5.44 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. The indicative floorplans show all 64 bedrooms to have ensuite facilities. There would also be assisted bathrooms, and communal facilities including lounges and dining rooms. Thus the individual bedrooms are not separate self-contained units and so the space standards for the sizes of individual dwellings do not apply. However, the bedroom sizes would meet the minimum space standards for single bedrooms.
- 5.45 In respect of amenity space and garden sizes guidance in the Urban Design SPD outlines minimum floor area standards for private amenity space. In regards to flats, it sets out the sizes for balconies, but also states that while balconies provide a good solution, they may not be appropriate in all contexts and a semi-private outdoor, communal space may be suitable.

- 5.46 Whilst the scheme is a care home and so the SPD is not specific to this type of accommodation, it does give guidance. The accommodation is single bedrooms with no separate amenity space associated with each individual bedroom, so the amenity space is communal. Initially, the scheme proposed outdoor amenity space, but due to the noise environment the scheme has been revised to provide internal amenity space in the form of winter gardens, one at ground floor level to the rear and one at first floor level to the front of the building. The suitability of these arrangements have been assessed under the Noise section at paragraph 5.19 – 5.22, where it was concluded that the limited space provided was unacceptable.
- 5.47 Given the residential properties that lie to the north, west and south of this site, it is not considered that these adjacent uses or activities would have an adverse impact on future residents of the care home.

#### Impact on the amenities of the occupants of neighbouring properties

- 5.48 The closest dwellings are those in Balcombe Road to the north/east, Radford Road to the north/west and the Steers Lane (Bellway Homes) development to the south (under construction).
- 5.49 The site wraps around the side and rear boundaries of the next door property Moss Lea, the rear boundary of April Cottage and the side boundary of Horseshoe Cottage. It should be noted that there is a discrepancy between the location plan and the indicative site plan in terms of the depiction of these neighbouring properties and their boundaries, so the following assessment has been made on the basis of the location plan. The internal access road leads to a delivery bay, service entrance and bin enclosure in the north eastern part of the site. In addition, a number of parking bays are positioned adjacent to the side and rear boundaries with the neighbouring dwellings Moss Lea and April Cottage. It is considered that these arrangements would give rise to an unneighbourly relationship, concentrating activities and movements including servicing in close proximity to these three dwellings, in particular around two sides of Moss Lea, and that of April Cottage, which both have relatively small gardens, with the large 3 storey care home set to the rear. In addition, the scale and massing visualisations provided in the DAS illustrates the scale of the application scheme compared to that of these existing dwellings and the dominance of the proposals to those properties.
- 5.50 In terms of the Radford Road properties, the eastern side boundary of the rear garden of Brent Cottage adjoins the whole of the western boundary of the application site, with the dwelling being positioned some 53m from the north west corner of the application site. The rear boundaries of Oaklands and Malvern are separated from the northern site boundary by a distance of some 30 – 50m with other land intervening.
- 5.51 The Bellway Homes development lies to the south. Phase 2 was recently considered by the Planning Committee on the 3<sup>rd</sup> April 2023, when it was resolved to grant planning permission subject to the completion of a s106 agreement and imposition of conditions. The southern boundary of the Ten Sixtysix application site adjoins the north east corner of that Phase and a block of flats is shown to be some 16m from that boundary. The proposed care home would be between 6 – 8m to the north of the boundary giving a separation distance of 22 – 24m, with an extensive belt of trees separating the two sites.
- 5.52 The relationships with the Radford Road and Bellway Homes properties are considered to be satisfactory. However, it is considered that given the close proximity of the dwellings in Balcombe Road, especially Moss Lea, April Cottage and Horseshoe Cottage, and the proposed layout and scale of the care home building, the scheme would give rise to an unneighbourly impact in terms of movements and activities and overbearing and dominant impact, contrary to policy CH3 of the Local Plan.

#### Trees and landscaping

- 5.53 The site consists of the existing dwelling and outbuildings, with its domestic garden, with planted beds, ornamental planting plus trees and hedgerows. The latter are mainly along the boundaries, but there are some within the site itself. The trees along the southern boundary and which extend into the neighbouring land parcel (Steers Lane Phase 2) are subject to a Tree Preservation Order. The majority of the trees/shrubs/hedges to be removed are in the centre of the site and are category C and U. One group of category B trees along the southern boundary are to be removed, comprising

yew, holly and hornbeam.

- 5.54 The Arboricultural Officer has no objections to the scheme in terms of the construction phase and preventing damage to the existing trees, provided the recommendations in the Arboricultural Method Statement are adhered to. Such matters can be covered by a condition if permission is to be granted. The precise number of replacement trees, following removal of a number of specimens to facilitate the erection of the building would be secured by a landscaping condition and a s106 agreement for any contributions for off site mitigation planting.
- 5.55 However, in terms of the occupation phase of the development, officers have concerns regarding the extent of the footprint of the building and the resultant limited gaps to the boundaries with the existing trees to be retained. It is considered that this layout would lead to future pressures for surgery/ felling given this relationship, in particular in regard to the daylight to the bedrooms, and would have an impact on the useability of the space around the building (although this is not now proposed as amenity space). The limited space available also gives rise to concerns about the scope of the remaining land to provide meaningful additional landscaping and screening, particularly given the scale and massing of the building.
- 5.56 In this regard it is considered that the scheme would therefore be contrary to policies CH2 and CH3 of the Local Plan and the relevant paragraphs of the NPPF.

#### Ecology and biodiversity net gain

- 5.57 With regard to potential significant impacts on biodiversity, the ecological officer is of the view that these can be avoided, adequately mitigated or compensated for in accordance with local and NPPF policies. He notes that the submitted Ecological Impact Assessment report makes recommendations for positive enhancements and, given that relatively low value of existing habitats, there would be some scope for enhancement. However there are doubts that there is sufficient space on site to achieve a 10% net gain as calculated by Biodiversity Metric 3.0 which is the current approach being proposed by Natural England and DEFRA for calculating net gains under forthcoming statutory requirements and which would be in line with emerging local policy.
- 5.58 Provisions are being developed for an off-site credit market where requirements cannot be met on site, so it is envisaged that there will be mechanisms to achieve a 10% gain in biodiversity units once the statutory requirements come into force (anticipated November this year).
- 5.59 He recommends conditions requiring the reserved matters to include a wildlife mitigation method statement setting out the practical measures required to implement the recommendations in the Ecological Impact Assessment Report by Lizard Landscapes, dated August 2021; a lighting plan demonstrating how light pollution of surrounding woodland habitat will be avoided; and a biodiversity enhancement and long-term management plan for the grounds around the building.

#### Sustainability

- 5.60 Policies ENV6 (Sustainable Design & Construction), ENV7 (District Energy Networks), ENV9 (Tackling Water Stress) and the Planning & Climate Change Supplementary Planning Document (SPD) (2016) are relevant to this proposal from a climate change mitigation and adaptation perspective.
- 5.61 ENV6 requires the submission of a Sustainability Statement responding to the six 'sustainability objectives' set out in the policy. For new non-domestic buildings it requires achievement of the BREEAM 'Excellent' minimum standards for energy and water. ENV7 requires developments of this scale to demonstrate their consideration of the hierarchy of options regarding decentralised/district energy which are detailed in the policy, and to pursue such that are viable and feasible. ENV9 states that development should plan positively to minimise its impact on water resources and promote water efficiency. It requires that new non-residential development meets the BREEAM 'Excellent' minimum standards for water, where technically feasible and viable.
- 5.62 The Design and Access Statement says that a high quality, sustainable building, with low energy use is proposed by the applicant. The final energy and sustainability strategy would be submitted through the discharge of a planning condition. As this is an outline application, it is acknowledged that it would be premature for these issues to be concluded at this time. It is more appropriate for these matters to

be addressed when the reserved matters are submitted (in the event that outline permission is granted) and the full details of the development, including its construction are under assessment. Conditions would cover the relevant aspects that need to be submitted, including the submission of an energy strategy and water efficiency measures.

#### Provision of affordable housing

5.63 Policy H4 of the adopted Local Plan states that 40% affordable housing is required from all residential developments across the Borough. Further guidance is provided in the Affordable Housing SPD, where a distinction is made between C2 (residential institutions) and C3 (dwellinghouses).

5.64 The SPD states, *“The Local Plan affordable housing policy applies to all planning applications which would result in an increase in housing within the borough. It also applies to the provision of new extra care housing where this has the basic characteristics of a dwellinghouse”*

and

*“The need for affordable housing provision within residential (Use Class C3) schemes to meet the Crawley population’s need has been accepted. This recognised need covers all sectors of the population, including growing numbers of elderly people. Therefore, individual, self-contained dwelling (Use Class C3) units, including flatted development, will be expected to meet the requirements of affordable housing, even where these accommodate occupants receiving care and/or are restricted to occupancy over a particular age. Some of these C3 dwelling units could be located adjacent to or within a wider site which includes some C2 (residential care/nursing home) rooms. Viability will be addressed on a case-by-case basis, in accordance with the policy requirements. Provision for affordable housing will therefore be expected from all dwellinghouses (Use Class C3), including assisted living and extracare accommodation.”*

5.65 This application is for a C2 care home. The applicant has advised that it is not the type of development which could be described as having the characteristics of a dwellinghouse – *‘there are extensive communal areas and back of house areas, there is a single front door and entrance to the building and not 64 individual doors, it is a single planning unit, and every resident will be dependent on carers. It is not close care or assisted living where the occupants have an element of independence. ‘*

5.66 In this case for the erection of a care home, given the type of accommodation proposed it is not considered that the requirements of policy H4 apply and an affordable housing contribution is not required.

#### Gatwick Airport safeguarding

5.67 Gatwick Airport Safeguarding (GAL) have commented on the application and comment that the proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to the submission of a landscaping scheme, renewable energy proposals and SUDs details. These are required in order 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 and through interference with communication, navigational aids and surveillance equipment. A Cranes Informative is also required.

5.68 GAL also make an observation that the site to which this application relates lies partly within the Gatwick Safeguarding area delineated on Crawley Borough Council’s Local Plan Proposals Map, being land which Gatwick Airport Limited (GAL) anticipates would be required for airport development in the event of permission being granted for an additional runway to the south of the airport. This application is accordingly one covered by Policy GAT2 in the Crawley Borough Local Plan 2015 – 2030. The defined safeguarded area is a small part of the top north west corner of the site and no part of the building is shown to be constructed in this part of the site. In these circumstances as there is no development proposed on the land which infringes the safeguarded area it is not considered that there is a conflict with Policy GAT2.

## CIL, S106 requirements and infrastructure contributions

- 5.69 Policy IN1 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will seek to implement a Community Infrastructure Levy (CIL). The Crawley CIL Charging Schedule came into effect on 17th August 2016 and is relevant to this application. The charge for residential within the borough-wide zone is £100 per sqm subject to indexation. Should this application be granted, an Informative can be attached to the decision notice to inform that the private market housing on this development constitutes CIL liable development which is a mandatory charge on development.
- 5.70 In respect of site specific requirements for a development, these can either be provided on-site or by way of a commuted sum and would be secured by a legal agreement.
- 5.71 In this case the on site requirements are for tree mitigation. Policy CH6 requires that landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species and planted in an appropriate location. The Green Infrastructure SPD also sets out the formula to calculate the numbers of replacement trees are required, when existing trees are removed as part of an application scheme. Where trees are not able to be provided on site, the SPD sets out the financial contribution that would be required (£700 per tree to be provided). This would be secured by a s106 legal agreement, with the final numbers of trees to be removed and planted to be finalised at the reserved matters stage and hence the resultant financial contribution. However, the completion of a s106 agreement has not been pursued by officers as the application is recommended for refusal.

## CONCLUSIONS:-

- 6.1 Whilst the principle of a care home on this site is acceptable from a housing policy point of view as it is within the built up area and would provide older person's accommodation, development must accord with the policies and objectives set out in the Plan as a whole. In particular, in this case, assessing the scheme as whole, it would need to provide a high quality development that would deliver a high standard of environment and quality of life for new and existing residents, as well as reflecting and respecting the character of the area.
- 6.2 In this regard it is considered that the scheme, with the loss of the existing dwelling Ten Sixtysix and its replacement with the proposed care home building would result in an unsympathetic and visually intrusive development that would fail to protect and enhance the distinctive character of the locality and the pattern and vernacular of development in this part of Balcombe Road. In addition, the scheme would have an unneighbourly relationship with adjacent dwellings, would lead to pressure for tree/surgery felling, and offers limited scope for landscaping. It would also fail to provide an appropriate living environment for residents due to the noise environment and the proposed mitigation measures. There is also no agreement to secure appropriate contributions towards tree planting. The proposal would therefore conflict with Policies CH2, CH3, CH6, CH12, CH16 and ENV11 of the Crawley Borough Local Plan 2015-2030, the Urban Design SPD, the Green Infrastructure SPD and the relevant paragraphs of the NPPF.

## RECOMMENDATION RE: CR/2021/0685/OUT:-

REFUSE permission for the following reasons:

1. The proposed development with the loss of the existing dwelling and the resultant scale, massing and detail of the scheme as illustrated by the indicative layout and associated material, would not reflect and would fail to protect and enhance the sylvan character, the distinctive pattern and vernacular of the development in this locality and the landscape features that characterise the area. It is considered that the scheme would therefore be detrimental to the visual amenities of the locality, contrary to policies CH2, CH3, CH12 and CH16 of the Local Plan and the relevant paragraphs of the National Planning Policy Framework.
2. The scale and detail of the scheme as illustrated by the indicative layout and associated material, would have an unneighbourly relationship with the adjoining dwellings Moss Lea, April Cottage and Horseshoe Cottage due to the scale, mass and location of the building and the proposed parking and servicing arrangements. It is considered that the scheme overall would therefore be contrary to policy CH3 of the Local Plan and the relevant paragraphs of the National Planning Policy Framework.

3. The proposed development as illustrated by the indicative layout and associated material would lead to pressure for tree surgery/felling due to the proximity of the building to the retained trees, affecting the useability of the amenity spaces and offering limited scope for effective landscaping and screening. It is considered that the result of the scheme would be detrimental to the visual amenities of the locality, contrary to policies CH2 and CH3 of the Local Plan and the relevant paragraphs of the National Planning Policy Framework.
4. The proposed development as shown in the illustrative material and associated documents would fail to provide an appropriate living environment for residents due to the noise environment and acoustic mitigation measures proposed. It is considered that the development would therefore be contrary to policies CH3 and ENV11 of the Local Plan and the associated Noise Annex, plus the relevant paragraphs of the National Planning Policy Framework.
5. A legal agreement is not in place to secure the appropriate financial contributions towards tree planting required to support the development. The proposed development is therefore contrary to Policy CH6 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure Supplementary Planning Document and the relevant paragraphs of the National Planning Policy Framework.

#### 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 has not been/would not be possible to negotiate a satisfactory way forward due to the harm that would be/has been caused.

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



# ArcGIS Web Map



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