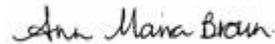


## Crawley Borough Council

### Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room A & B - Town Hall**, on **Tuesday, 12 March 2019** at **7.30 pm**

Nightline Telephone No. 07881 500 227



**Head of Legal, Democracy and HR**

Membership:  
Councillors

I T Irvine (Chair), R S Fiveash (Vice-Chair), M L Ayling, A Belben,  
N J Boxall, B J Burgess, K L Jaggard, S Malik, T Rana, P C Smith,  
M A Stone, K Sudan, J Tarrant, G Thomas and L Vitler

Please contact [Democratic.Services@ Crawley.gov.uk](mailto:Democratic.Services@ Crawley.gov.uk) if you have any queries regarding this agenda.

Published 1 March 2019

**Emergency procedure for meetings will be circulated to Councillors and visitors attending this meeting. Please familiarise yourself with these procedures and the location of fire exits.**



Switchboard: 01293 438000  
Main fax: 01293 511803  
Minicom: 01293 405202 DX:  
57139 Crawley 1  
[www.crawley.gov.uk](http://www.crawley.gov.uk)

Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

The order of business may change at the Chair's discretion

## Part A Business (Open to the Public)

	<b>Pages</b>
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
<b>3. Lobbying Declarations</b>	
The Planning Code of Conduct requires Councillors who have been lobbied, received correspondence or been approached by an interested party with respect to any planning matter should declare this at the meeting which discusses the matter. Councillors should declare if they have been lobbied at this point in the agenda.	
<b>4. Minutes</b>	5 - 12
To approve as a correct record the minutes of the Planning Committee held on 11 February 2019	
<b>5. Planning Application</b> <b>CR/2018/0079/FUL - Car park, The Broadway and St Johns Hall, High Street (South of Cross Keys), Northgate, Crawley</b>	13 - 34
Northgate	
To consider report PES/291 (a) of the Head of Economy and Planning.	
<b>RECOMMENDATION to REFUSE</b>	
<b>6. Planning Application</b> <b>CR/2018/0546/OUT - 3-7 Pegler Way, West Green, Crawley</b>	35 - 60
West Green	
To consider report PES/291 (b) of the	

		<b>Pages</b>
	Head of Economy and Planning. <b>RECOMMENDATION</b> to REFUSE	
<b>7.</b>	<b>Planning Application</b> <b>CR/2018/0693/FUL - R/O 5-9</b> <b>Southgate Road, Southgate,</b> <b>Crawley</b>	Southgate 61 - 74
	To consider report PES/291 (c) of the Head of Economy and Planning.  <b>RECOMMENDATION</b> to PERMIT.	
<b>8.</b>	<b>Planning Application</b> <b>CR/2018/0861/TPO - Roadside off</b> <b>Leicester Court, Newbury Road,</b> <b>Pound Hill, Crawley</b>	Pound Hill South and Worth 75 - 78
	To consider report PES/291 (d) of the Head of Economy and Planning.  <b>RECOMMENDATION</b> to CONSENT.	
<b>9.</b>	<b>Supplemental Agenda</b>  Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

**With reference to planning applications, PLEASE NOTE:**

Background Paper:- Crawley Borough Local Plan 2015-2030

Any necessary pre-committee site visits for applications to be considered at this meeting will be held on **Thursday 7 March 2018** at **10.00am**. Please be aware that members of the public are not to approach members of the Committee or Council officers to discuss issues associated with the respective planning applications on these visits.

**This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services Team on 01293 438549 or email: [democratic.services@crawley.gov.uk](mailto:democratic.services@crawley.gov.uk)**

This page is intentionally left blank

## Crawley Borough Council

### Minutes of Planning Committee

Monday, 11 February 2019 at 7.30 pm

#### Councillors Present:

I T Irvine (Chair)

R S Fiveash (Vice-Chair)

M L Ayling, A Belben, N J Boxall, B J Burgess, K L Jaggard, S Malik, T Rana, P C Smith, M A Stone, K Sudan, G Thomas and L Vitler

#### Also in Attendance:

Councillor A Pendlington

#### Officers Present:

Roger Brownings	Democratic Services Officer
Kevin Carr	Legal Services Manager
Jean McPherson	Group Manager (Development Management)
Marc Robinson	Principal Planning Officer
Clem Smith	Head of Economy and Planning

#### Apologies for Absence:

Councillor J Tarrant

#### 1. Disclosures of Interest

The following disclosure of interests was made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor G Thomas	CR/2018/0273/FUL - Gatwick Airport Station, South Terminal, Gatwick (Minute 6)	Personal Interest – Council representative on the Gatwick Airport Consultative Committee(GATCOM)

#### 2. Lobbying Declarations

The following lobbying declarations were made by Councillors:-

Councillors Ayling, A Belben, B J Burgess, Fiveash, Irvine, Jaggard, Malik, Rana,

# Agenda Item 4

Planning Committee (51)  
11 February 2019

P C Smith, Stone, Sudan and Thomas had been lobbied regarding application CR/2018/0831/FUL.

Councillors A Belben and Boxall had been lobbied regarding application CR/2018/0834/FUL.

Councillors A Belben and Boxall had been lobbied regarding application CR/2018/0835/ADV.

### 3. Minutes

The minutes of the meeting of the Planning Committee held on 21 January 2019 were approved as a correct record and signed by the Chair.

### 4. Planning Application CR/2018/0831/FUL - 22 Dene Tye, Pound Hill, Crawley

The Committee considered report PES/290 (b) of the Head of Economy and Planning which proposed as follows:

Erection of a part two storey and part first floor front extension over the existing garage, re-clad existing dormer window with dark grey boarding and install two windows on the western flank elevation.

Councillors A Belben and Jaggard declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application.

Mr James Nayler, the Applicant, addressed the meeting in support of the application.

The Committee then considered the application. In response to issues raised the Principal Planning Officer:

- Indicated that with regard to the front hardstanding area, there was space to accommodate 2-3 vehicles. According to the Urban Design SPD the minimum parking standards for a 3 plus bedroom dwelling in this location was 2-3 spaces. As such the parking arrangements were considered satisfactory, with no need to remove a tree from the front of site, and would accord with Local Plan Policy, and the NPPF.
- Commented that there were other front gable extensions/features within the immediate street scene, but it was considered that these were better integrated with the character of the original house, did not extend across the front of the property and therefore remained more sympathetic to the original design.
- Explained that the Council's Local Plan sought to prevent harm to the nature and character of an area.

With the Committee having considered the application further, and whilst some Members indicated their support for the application, the majority of Members considered that the prominent siting, incongruous design, materials, roof type, scale and massing of the proposed first floor front extension would detract from the design and character of the original dwelling, and harm the visual amenities of the street scene of the area.

## RESOLVED

**Refuse**, for the reason set out in report PES/290 (b).

### 5. **Objections to the Crawley Borough Council Tree Preservation Order 57 Ardingly Close, Ifield - 14/2018**

The Group Manager (Development Management) introduced report PES/311 of the Head of Economy and Planning, which sought to determine whether to confirm this Tree Preservation Order (TPO) with or without modification for continued protection or, not to confirm the TPO.

Councillor Jaggard declared she had visited the site.

Mrs J Burton (an adjoining neighbour to the site) addressed the Committee and emphasised that she was not objecting to the Tree Preservation Order but that she would like the tree to be properly maintained, with regular inspections to ensure that the tree remained healthy and safe.

The Committee then considered the TPO as proposed, including the representations received. In response to issues raised, the Group Manager (Development Management):

- Emphasised that the tree was privately owned and as such was the sole responsibility of the land owner and this included the duty to take all reasonable steps to ensure that the tree was maintained in a safe condition that did not put themselves or others at risk. This was a legal obligation.
- Explained that the imposition of a Tree Preservation Order did not prevent the tree owner from carrying out necessary works to a protected tree provided: the works could be demonstrated to be justified, the formal application process was followed and consent was granted.
- Confirmed that a neighbour could make an application to have work done on the tree, including pruning, where the tree overhung into their garden.
- Referred to the fact that in all cases where a TPO was in place, a tree officer could provide advice as to what work could be undertaken.

The Committee continued to consider this matter further, whilst Councillor P C Smith indicated that as a Ward Member for Ifield he would be happy to help encourage the maintenance obligations at this site should that need arise.

Having considered the issues raised, the Committee agreed to confirm the TPO without modification.

## RESOLVED

**Confirm.**

### 6. **Planning Application CR/2018/0273/FUL - Gatwick Airport Station, South Terminal, Gatwick**

The Committee considered report PES/290 (a) of the Head of Economy and Planning which proposed as follows:

# Agenda Item 4

Planning Committee (53)  
11 February 2019

Proposed construction of new station concourse/airport entrance area, link bridges, platform canopies, back of house staff accommodation and associated improvement works (amended flood risk assessment received).

Councillors Boxall, Stone and Thomas declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application and provided the Committee with the following update:

- Although inadvertently omitted from the report as part of the responses received from consultees, GAL have advised that it supports the proposals.
- The Applicant has advised that the existing cycle parking provision for passengers would remain unaltered.
- There would be an amendment made to Condition 6 to reflect the fact that this would not now be a pre-commencement condition. The amended Condition is as set out below:-
  6. No development above platform level shall commence until details of the permanent lighting scheme for the development are submitted to and approved in writing by the Local Planning Authority. No subsequent alterations shall take place unless first submitted to and approved in writing by the Local Planning Authority.  
REASON: It is necessary to control the permanent lighting arrangements on this development to avoid confusion with aeronautical ground lighting and to prevent glint and glare to pilots and ATC which could endanger the safe movement of aircraft and the operation of Gatwick Airport in accordance with policy GAT1 of the Crawley Borough Local Plan 2015-2030.  
  
For Information: Please refer to AOA Advice Note 2 'Lighting Near Aerodromes', available from: <http://www.aoa.org.uk/policy-campaigns/operations-safety>
- The Applicant had not yet addressed the issues identified in Paragraphs 5.11 and 5.12 of the report in that they had not currently provided adequate details of how the application would comply with policy ENV7 (District Energy Networks). As such the report's Recommendation had been amended so that the decision on the application would be delegated to the Head of Economy and Planning, subject to the receipt of satisfactory information to ensure the requirements of ENV7 had been addressed.

The Committee then considered the application. In response to an issue raised, the Principal Planning Officer confirmed that cycle parking provision for passengers would remain as it was. The applicant had confirmed that lifts would be capable of carrying cycles and there would be wider access points within the station for passengers. Cycle access within the station would therefore be improved. Whilst cycle storage was proposed for staff, this application did not include cycle storage for passengers. On balance the lack of improved cycle parking facilities for passengers was considered acceptable when weighed against the other benefits that the scheme would deliver.

The Committee in discussing the application further, felt that the proposed alterations to the Airport's Railway Station would enhance the facility as a modern, well designed

# Agenda Item 4

Planning Committee (54)  
11 February 2019

structure and provide an improved rail access to Gatwick Airport and the surrounding area including Manor Royal.

## **RESOLVED**

That a decision to Permit be delegated to the Head of Economy and Planning, subject to:

- (i) The receipt from the Applicant of additional information to satisfactorily address Policy ENV7 (District Energy Networks).
- (ii) The Conditions set out in report PES/290 (a), and the updated Condition 6 above.

## **7. Planning Application CR/2018/0834/FUL - NCP Cross Keys Car Park, The Broadway, High Street, Northgate**

The Committee considered report PES/290 (c) of the Head of Economy and Planning which proposed as follows:

Retrospective planning application for the installation of 1no. pole mounted Automatic Number Plate Recognition (ANPR) camera.

Councillors A Belben, Boxall, Fiveash, Irvine, Jaggard, Stone and Sudan declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application.

The Committee then considered the application. In response to concerns and issues raised, the Group Manager (Development Management):

- Explained that the camera was positioned to face the car park exit to the north and would not have any view of the nearest residential properties to the west (above St Johns Hall).
- Confirmed that the area the camera viewed was shown on the submitted plans and it had been considered expedient to restrict the view of the camera to this area.
- Referred to the fact that the camera was positioned on a slim pole, and given that there would only be one camera on the site (and in isolation this was considered to be inconspicuous, and not a proliferation of street furniture), it was not felt to have a significant impact on the amenity of neighbouring properties by way of loss of privacy or overshadowing or over dominance.
- Acknowledged that there was another pole on the site which had no camera on it, and whilst that pole would be looked at in the future for planning permission purposes and the issue of proliferation potentially being considered then, that pole would not form part of this application's consideration.
- Clarified that if this retrospective application was approved at this meeting it would take effect from this meeting's date.
- Emphasised that the legality of issuing parking enforcement tickets at this site was not a planning matter, but would be a matter between the ticket holder and the car park operator
- Advised that it was up to the car park operator to choose how it enforced the car park.

# Agenda Item 4

Planning Committee (55)  
11 February 2019

- Considered that the camera pole was not a prominent feature and overall was of an appropriate scale, design and siting, and did not have an unacceptable impact on the visual amenity of St John's Church as a Listed Building

The Committee continued to consider the application information.

## **RESOLVED**

**Permit**, subject to conditions set out in report PES/290 (c).

### **8. Planning Application CR/2018/0835/ADV - NCP Cross Keys Car Park, The Broadway, High Street, Northgate**

The Committee considered report PES/290 (d) of the Head of Economy and Planning which proposed as follows:

Advertisement consent for the installation of 12no. non-illuminated post mounted signs.

Councillors A Belben, Boxall, B J Burgess, Fiveash, Irvine, Jaggard, Stone and Sudan declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application.

The Committee then considered the application. In response to concerns and issues raised, the Group Manager (Development Management):

- Emphasised that the signs currently on the site were not the signs to be considered at this meeting, and that the application before the Committee sought to change those signs.
- Indicated that Officers were concerned that the signs, by virtue of their excessive number, varying sizes and proportions were considered to give a disjointed and cluttered appearance to the car park and its surroundings and to negatively impact on the visual amenity of the site, the streetscene of The Broadway and the setting and views of the Listed Building St John's Church.
- Explained that the existing signs had been installed without advertisement consent and that this was a matter to be considered further under the planning enforcement process.
- Acknowledged that the application had been recommended for refusal, but had been called-in, although it could have, instead, been delegated for decision. However, it made sense to bring the application forward to this meeting, and thus be considered along with the previous application submitted to this meeting (Minute 7 refers) which related to the same site.
- Advised that the yellow bollards were not part of the application and were permitted development. The LPA could request the applicant to alter the colour.
- Indicated that if the application was refused, the Applicant would have a right to appeal, whilst also submitting an alternative application, and thus the removal of the signs could be delayed.
- Reiterated that the legality of issuing parking enforcement tickets at this site was not a planning matter, but would be a matter between the ticket holder and the car park operator.

# Agenda Item 4

Planning Committee (56)  
11 February 2019

## **RESOLVED**

**Refuse**, for the reason set out in report PES/290 (d).

### **9. Objections to the Crawley Borough Council Tree Preservation Order - 44 to 46, Green Lane, Northgate - 15/2018**

The Group Manager (Development Management) introduced report PES/312 of the Head of Economy and Planning, which sought to determine whether to confirm this Tree Preservation Order (TPO) with or without modification for continued protection or, not to confirm the TPO.

The Committee then considered the TPO as proposed. In response to an issue raised, the Group Manager (Development Management) explained that normally the Council's tree officer would inspect the base of a tree for its health purposes, but in this case (and in respect of the TPO considered earlier at this meeting, Minute no. 5 refers), there were no specific issues raised about the health of the trees so this wasn't considered an essential requirement prior to confirming the order.

Having considered the issues raised in the report, the Committee agreed to confirm the TPO without modification.

## **RESOLVED**

**Confirm.**

### **Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.47 pm

**Chair**

This page is intentionally left blank

# Agenda Item 5

**CRAWLEY BOROUGH COUNCIL**  
PLANNING COMMITTEE - 12 March 2019  
REPORT NO: PES/291(a)

---

**REFERENCE NO: CR/2018/0079/FUL**

**LOCATION:** [CAR PARK, THE BROADWAY AND ST JOHNS HALL, HIGH STREET, \(SOUTH OF CROSS KEYS\), NORTHGATE, CRAWLEY](#)  
**WARD:** Northgate  
**PROPOSAL:** DEMOLITION OF THE EXISTING CHURCH HALL FOR THE CONSTRUCTION OF GROUND FLOOR RETAIL/COMMUNITY SPACE/APARTMENTS WITH APARTMENTS ABOVE (TOTAL 34 DWELLINGS)

**TARGET DECISION DATE:** 24 August 2018

**CASE OFFICER:** Mrs J. McPherson

**APPLICANTS NAME:** Meadmere Investments LLP

**AGENTS NAME:** RDjW Architects Limited

---

## **PLANS & DRAWINGS CONSIDERED:**

4698-009, Site Location & Block Plans  
4698-010, Proposed Site Plan  
4698-011, Proposed Ground Floor Plan  
4698-012, Proposed First Floor Plan  
4698-013, Proposed Second Floor Plan  
4698-014, Proposed Third Floor Plan  
4698-015, Proposed Roof Plan  
4698-020, CGI View  
4698-021, CGI View  
4698-022, CGI View  
4698-024, CGI View  
4698-030, Sections  
4698-033, CGI View  
4698-034, Isometric of Site  
4698-035, Views from High Street  
4698-036, Isometric of Site  
4698-031, Proposed Elevations  
4698-038, Routes and Views  
4698-039, Sunpath as Existing  
4698-040, Sunpath as Proposed

## **CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |    |                         |   |
|----|-------------------------|---|
| 1. | Gatwick Airport Limited | No objection - subject to conditions and informatives.  |
| 2. | WSCC Highways           | No objection - on grounds of highway impact however amendments requested to cycle parking provision. Detailed comments from Travel Plan Officer with further amendments recommended for the applicant to incorporate in their document. |
| 3. | Historic England        | No objection in principle to redevelopment of the site  |

# Agenda Item 5

but the submission as designed is accompanied by an inadequate heritage statement. The development fails to properly identify opportunities for enhancement of the Grade II\* church and is at odds with the prevailing grain of development and is of a height which is too big in relation to the grain and character of the immediate context. The development does not meet requirements of the NPPF. Design amendments and safeguards are therefore required to address this advice.

4. National Air Traffic Services No objection.
5. Thames Water No objection.
6. Building Control Officer No comments received
7. Sussex Police Detailed design advice on security measures provided.
8. CBC Drainage No objection.
9. Russell Allison Viability advice provided
10. CBC Arboricultural Officer Objection - Concerns about future pressure on remaining trees.
11. UK Power Networks No comments received
12. Ecology Officer Objection - Inadequate preliminary bat survey provided.
13. CBC Contaminated Land Officer No objection.
14. Environmental Health Officer Objection - Concerns about noise from church clock and bells. A noise report should be provided in order to assess impact on future residents.
15. Crawley Cycle Forum Notes potential shortfall in required parking spaces. Cycle store area is an awkward shape and recommends applicant look at design guidance. Cycle parking for retail unit does not meet the SPD requirement. Questions discrepancies in D and A statement about a church hall and if the retail use is also a drop in centre which would increase the cycle parking requirement. Consideration should be given to opening the Church Walk route up to be more attractive to pedestrians. Cycle links shown in transport statement lack detail – further advice given.
16. CBC Refuse and recycling Objection - Bin arrangements shown are not acceptable – advice provided.
17. Southern Water Limited No objection subject to informative.
18. CBC Sustainability – Objection - The energy strategy is generic and vague and the Figures suggest the building would not be energy efficient. Furthermore it is not considered that the development complies with policy ENV7.
19. Listed Building Advisor Objection - the proposal will harm the setting of St Johns Church which is a grade II\* listed building. The proposal will not accord with national and local policy that requires development to preserve or enhance the significance of a designated heritage asset.
20. Archaeological Advisor No objection - Following consideration of the Archaeological Desk Based assessment provided no objection subject to a pre-commencement condition.
21. WSCC Surface Water Drainage Officer No objection Identifies site as at moderate risk of surface water flooding and provides recommendation on SUDs system and management.
22. Central Crawley Conservation Area Committee Objection  
*“The Committee has two areas of concern, scale, the size of the proposed development in relation to the Grade II\* listed St John's church and the effect of the development on the setting of the church. On the matter of scale, the development is too big in relation to the Knave and Chancel of the church. The height of the development also affects the setting of the church in that it appears to intrude on the setting from several viewing points. Lastly, two comments, the loss of 40 or so parking spaces in the town centre is to be regretted and, on the assumption that the community*

# Agenda Item 5

*space shown on the plans is a replacement for the church hall it would not seem ideal that it is located on the second and third floors.”*

23. CBC – Economic Development

Support mixed use development in principle. Question reference to the church hall . Would like assurances that this community space is genuinely surplus to requirements and that the retail space would be of greater community benefit for the church. Welcomes references to street trading and active frontages and provides comments on wayfinding and Development Partnership.

## **NEIGHBOUR NOTIFICATIONS:-**

The application was publicised by press notice and site notices.

## **RESPONSES RECEIVED:-**

4 responses received raising the following comments:

- Supports principle of scheme to create a building that will not distract from the church, enhances the area in terms of safety and crime, provides a better connections between the High Street and Boulevard, creates accessible community space in the town centre and increases homes for first time buyers;
- Questions if the hall is ‘surplus to requirements’ and suggests further evidence is provided to demonstrate this argument.
- No account of parking for residents. Development apartment sizes maximise numbers and not quality.
- Question the argument that retail / community use will profit the church.
- Size of the development would adversely affect the character of the conservation area.
- Church’s environment and setting is fundamental to its use for public worship, Community events and education - proposed building will harm attractiveness of the building and effectiveness of the church;
- Building is out of keeping with its surroundings including the church within the Conservation area, it is too imposing in footprint and height and would impact on the visual appearance of The Broadway
- No objection to re-provision of community space or further retail.
- No provision for affordable housing or parking for residents.
- The site is not in need of redevelopment - currently serves a useful purpose as a car park and community space.
- Church hall flat occupier objects to the scheme as loss of flat would make them homeless. They comment that they were not notified directly by the applicants of the proposal.

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

The application is major development

## **THE APPLICATION SITE:-**

- 1.1 The application site (approximately 0.14 hectares) comprises of two distinct land parcels these are the St John the Baptist Church Hall and its curtilage and the adjoining NCP Car park to its east.
- 1.2 The church hall is situated on the western part of the site and is wholly within the High Street Conservation Area (HSCA). The church hall building is two storey in scale, brick built with white fenestration and a pitched interlocking tile roof. The main entrance to the building faces east towards the car park. The building is located fairly centrally within its plot with a paved forecourt area along its eastern boundary. The rear (western) part of the plot is secured by a 2m high boundary fence and within the secured rear garden area there is a large blue shipping container (used for storage) and number of trees and shrubs. At the time of the site visit the fence boundary between the application site and the hostel appeared to be incorrectly surveyed. There is one mature Beech tree to the west of the building which is protected by a Tree Preservation Order (reference P16.6.55) confirmed in October 2012. The church hall occupies all of the ground floor

# Agenda Item 5

and approximately half of the first floor within the building. There is a residential flat at first floor in the southern part of the building with its principle windows facing to the south and east.

- 1.3 The NCP car park is located to the east of the church hall and lies adjacent to but outside of the HSCA. This land is predominantly covered by hardstanding with the exception of a landscaped flower bed / tree belt which runs along the southern edge of the car park, the trees within this landscaping are protected by a provisional Tree Preservation Order 03/2019 - Cross Keys Car Park. The landscaping provides a firm boundary between the car park and the footpath to Church Walk which runs parallel to the carpark along the southern boundary. The car park is relatively level and has one operational exit/ entrance onto Cross Keys in the north east boundary. The site is marked out by low level bollards and has a pay and display ticket machine and camera located centrally in the site. There is also a lot of (unauthorised) signage in situ related to the car park operation.
- 1.4 To the south of the site is Church Walk (an adopted Public Right of Way ) and the church and grounds of St John the Baptist Church (a grade II\* listed building). Church Walk marks the southern boundary of the Conservation Area which then turns north in front of the church hall before stepping away to the north and extending along the western side of Cross Keys (to the rear of the buildings facing onto the High Street).
- 1.5 To the west of the Church Hall is the former Rectory and its landscaped grounds, this two storey building is now in use a hostel. To the north of the site is Cross Keys Road (that is double yellow lined along both sides) and the side boundary of number 50-52 The Broadway (the first of a row of retail units with 2 floors of offices above) which extend as a retail frontage north along the street. To the east is The Broadway beyond which are the retail units of numbers 31-35 the Broadway and the corner premises of Taj the Grocer (12 Haslett Avenue West).
- 1.6 The site is identified as an archaeologically sensitive area and is within the Town Centre Boundary and Primary Shopping Area. The retail frontages to north and east on The Broadway are defined secondary shopping frontages
- 1.7 Overall, the application site is open in character when viewed from the south, north and east allowing open views of St John the Baptist Church which is the landmark building in the immediate area. The site forms an important eastern approach to the HSCA of Crawley old village with its smaller scale predominantly 2 storey buildings. The area is an important transition between the historic High Street buildings to the south and west and 'new town' to the north and east with its more formalised regimented street pattern with distinct street frontages and generally 3 storey scale of development.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 Planning permission is sought for the demolition of the existing church hall building and the redevelopment of this land with the NCP car park to the east. The proposed new building would have a rectangular footprint covering most of the site which would comprise retail / community space and 7 flats at ground floor level with further residential above. The southern and northern sides of the building would run parallel to Church Walk and Cross Keys, the building would be orientated at an angle to The Broadway to the east and to the Rectory to the west. The building would have a stepped form and would be part 2 storey in scale at its eastern end stepping up to 4 storeys towards the west.
- 2.2 At ground floor level there would be retail/ community space located at the eastern end of the building fronting The Broadway, bin and cycle store provision is also proposed at ground floor along with 7 flats. A further 27 flats would be arranged over 3 upper floors, the building footprint stepping back scale from the eastern boundary. PV panels are proposed for the top part of the roof.
- 2.3 The residential accommodation proposed is 28 x 1 bedroom flats and 6 x 2 bedroom flats. No parking is proposed for the development. The bin stores are proposed to be located on the northern elevation of the building. The site is proposed to be serviced from Cross Keys road to the north. A communal cycle store (for the upper flats) is located with access via a door on the southern

# Agenda Item 5

elevation with the ground floor flats shown as having individual cycle stores. Additional cycle parking is shown to the front of the retail/ community space.

- 2.4 The building is modern design proposed to be finished in white render, stone and composite timber cladding. The windows would be metal and the retail unit at ground floor is proposed to be floor to ceiling glazing. The window pattern being a mixture of sizes and designs to articulate the scale of the building. Extensive glazing is proposed for the stair cores and as a feature for some of the balconies. All upper floor flats are proposed to have a balcony or roof terrace. The building has a flat roof on which solar panels are proposed to be installed, the lower sections of flat roof would be utilised and roof terraces for some the flats. The space around the building would predominantly be paved.
- 2.5 The application accompanied by the following documents:
- Design and Access Statement Issue E (received 17/8/18)
  - Archaeological Desk Based Assessment V2 (September 2018)
  - Arboricultural Report (as amended) (received 17/8/18)
  - Preliminary Bat Roost Assessment (received 20/12/18)
  - Heritage Statement V1 (August 2017)
  - Transport Statement (April 2018)
  - Travel Plan Framework (April 2018)
  - Drainage Strategy Report (April 2018)
  - Flood Risk Assessment (April 2018)
  - Energy and Sustainability Statement (April 2018)
  - Utility Constraints Study ( April 2018)
  - Financial Viability Report (May 2018) - Exempt information

## **PLANNING HISTORY:-**

- 3.1 The relevant planning history is summarised below:

### Church Hall Site

- CR/298/1958 - Erection of a new church hall on site of adjoining Rectory Garden - Permit
- CR/2012/0400/TPO - Beech - Reduce Crown of tree by 1.5m (leaving a height of 10m and spread of approx. 7m, raise crown to 3m above ground level) - Consent.
- CR/2004/0122/FUL - Retrospective application for a new wheelchair ramp - Permit

### NCP Car Park Site

- CR/2018/0835/ADV - Advertisement Consent for 12 non-illuminated post mounted signs - Refused.
- CR/2018/0834/FUL - Retrospective application for 1 pole mounted ANPR camera - Permit

### Adjoining Site (former Rectory)

- CR/1996/0606/RG3 - Change of use from domestic dwelling to premises in multiple occupation - Permitted

## **PLANNING POLICY:-**

### Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.0 Section 66(1) - *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*
- Section 72(1) - *"In the exercise, with respect of any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area".*

# Agenda Item 5

## The National Planning Policy Framework (2018):

- 4.1 The revised National Planning Policy Framework (NPPF) was published in July 2018 and has been updated again in February 2019. At the heart of the framework the presumption in favour of sustainable development. Paragraph 8 states that achieving sustainable development means the planning system has three overarching objectives which are interdependent and need to be secured in mutually supportive ways. These are:
- a) an economic objective – “to help build a strong, responsive and competitive economy...”
  - b) a social objective – “to support strong, vibrant and healthy communities....”
  - c) an environmental objective- “to contribute to protecting and our enhancing our natural, built and historic environment...”
- 4.2 **Section 5** emphasises the need for the planning system to deliver a sufficient supply of homes including affordable housing.
- Section 7** seeks to ensure the vitality of town centres, encouraging a positive approach to their growth, management and adaption including the encouragement of residential uses on appropriate sites.
- Section 8** seeks to ensure planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and are safe and accessible.
- Section 9** set out transport considerations for new development including potential impacts on the existing transport network/s, opportunities for sustainable modes of transport and the need to focus development in sustainable locations.
- Section 11** - ‘Making effective use of land’ states in para 117 that “*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*”. The redevelopment of underutilised land and building is encouraged, and LPA’s should take a positive approach to alternative uses of currently developed land which is not allocated for a specific purpose to meet identified development needs. Para 122 encourages the efficient use of land providing the desirability of maintaining an areas prevailing character and setting is taken into account and highlights the importance of securing well-designed healthy places.
- 4.3 **Section 12** - ‘Well designed places’ states that good design is a key aspect of sustainable development and that the planning process should achieve the creation of high quality buildings and places. Para 127 states:
- Planning policies and decisions should ensure that developments:*
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- Para 128 highlights the need for design quality to be considered through the evolution and assessment of proposals and para 130 states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area, the way it functions and the relevant supplementary planning documents.
- 4.4 **Section 15** ‘Conserving and enhancing the natural environment’ - includes advice on ground conditions and pollution (including noise impacts) and seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of

# Agenda Item 5

pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Para 182 seeks to ensure new development can be integrated effectively with existing business and community facilities (such as places of worship and that existing business should not have unreasonable restrictions placed upon them as a result of development permitted. *“Where the operation of an existing business or community facility could have a significant adverse effect on the development...in its vicinity, the applicant (or agent of change) should be required to provide suitable mitigation before the development is completed”*.

- 4.5 **Section 16** – ‘Conserving and enhancing the historic environment’ provides guidance on development proposals that impact on heritage assets. Para 184 states: ‘ *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 for future generations*’. Where heritage assets are affected applications should describe the significance of the heritage assets and any contribution made to their setting. Further guidance is provided on how applicants and LPA should assess such assets and consider impacts in paragraphs 189 - 202.

## Crawley Borough Local Plan 2015-2030

- 4.6 Policy SD1 (Presumption in Favour of Sustainable Development) is the overarching policy for this plan. Development will be supported when it complements Crawley’s character as a compact town within a countryside setting, developed on a neighbourhood principle and maximises the opportunities for sustainable travel. Development will be supported where it respects the heritage of the borough and protects, enhances and creates opportunities for Crawley’s unique Green Infrastructure and accords with the policies and objectives set out in this plan unless material considerations indicate otherwise.
- 4.7 Policy CH1 (Neighbourhood Principles) states that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- 4.8 Policy CH2 (Principles of Good Urban Design) The policy seeks to assist in the creation, retention or enhancement of successful places in Crawley. In particular development proposals will be required to:
- (a) *to protect and/or enhance heritage assets,*
  - (b) *create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas,*
  - (c) *create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society including disabled and elderly people,*
  - (d) *make places that connect with each other and are easy to move through,*
  - (e) *provide recognisable routes, intersections and landmarks to help people find their way around,*
  - (f) *consider flexible development forms that can respond to changing social, technological and economic conditions,*
  - (g) *provide diversity and choice through a mix of compatible development and uses that work together to create viable places that respond to local needs”*.
- 4.9 Policy CH3 (Normal Requirements of All New Development) All proposals should be based on a thorough understanding of the significance and distinctiveness of the site, be of a high quality in terms of its design, sympathetic to its surroundings, provide a good standard of amenity for future occupants, retain trees which contribute positively to the area, meet its own operational requirements and demonstrate that it addresses the principles included within both ‘Secure by Design’ and ‘Building for Life’ criteria.
- 4.10 Policy CH4 (Comprehensive Development and Efficient Use of Land) seeks to ensure development uses land efficiently and does not unduly restrict the development potential of adjoining land.
- 4.11 Policy CH5 (Standards for All New Dwellings) sets out the standards for all new dwellings and states that the minimum size for each dwelling should be based on the Nationally Described Space standards and be capable of adaption though meeting Building Regulations Part M Category 2.

# Agenda Item 5

Residential developments should be designed to include amenity space standards adequate to meet basic privacy, amenity and usability requirements.

- 4.12 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 however, where the Local Planning Authority agrees this is not feasible or desirable commuted sums will be sought in lieu on a per tree basis.
- 4.13 Policy CH8 (Important views) identifies important views which should be protected. The site is within the splay of the linear views north along Brighton Road from A23/A264 junction and the long distance view from Tilgate Park. The policy also states in the accompanying text the importance of more localised views and landmarks including views of the Church of St. John the Baptist and the requirements to protect their settings.
- 4.14 Policy CH11 (Rights of Way and Access to the Countryside) seeks to protect the character and use of public rights of way.
- 4.15 Policy CH12 (Heritage Assets) states that all heritage assets are a finite resource and all development should ensure their key features or significance are not lost as a result of development. Development proposals affecting a heritage asset should describe the significance of any development assets affected and the contribution made by their setting, the impact of the development and any measures to ensure the asset is respected, preserved or enhanced.
- 4.16 The HSCA extends along the southern boundary of the site and church hall is within the Conservation Area. Policy CH13 (Conservation Areas) states that *“all development with a Conservation Area should individually or cumulatively result in the preservation or enhancement of the character and appearance of the area”*. This should be demonstrated through a Heritage Impact Assessment. Consideration must be given to the areas identifiable and distinctive character, any historic landscape features, maintenance and enhancement of areas of landscape value (trees/hedges etc) and preservation of areas architectural quality and scale.
- 4.17 The site is adjacent to St Johns Church a Grade II\* listed building, policy CH15 (Listed Buildings and Structures) deals not only with works to the building but also any development that may affect its setting and requires that any impacts are addressed through a Heritage Impact Assessment.
- 4.18 Policy EC1 (Sustainable Economic Growth) states that Crawley’s role as the key economic driver for the Gatwick Diamond will be protected and enhanced. Existing Main Employment Areas will be a focus for sustainable economic growth.
- 4.19 The site is within the Town Centre Boundary is identified as a main employment area where under policy EC2 (Economic Growth in the Main Employment Areas) there is a general presumption in favour of employment generating development. The site is within the Primary Shopping Area which is addressed specifically under policy EC5 (Primary Shopping Area) which encourages development that promotes Crawley’s vitality and viability as a sub-regional retail centre. The Broadway is a secondary shopping frontage where ground floor A1 (retail), A2 (financial and professional services), A3 (restaurant), A4 (pub) and A5 (take-away) uses are normally permitted. Efficient use of upper floors is also encouraged.
- 4.20 Policy EC4 (Employment Development and Residential Amenity) requires that where residential development is proposed within or adjacent to the Main Employment Areas, the principle concern will be to ensure that the economic function of the area is not constrained.
- 4.21 Policy EC6 (Development Sites within the Town Centre Boundary) acknowledges that sites within the Town Centre boundary provide an important opportunity to promote town centre viability and viability through mixed use schemes to meet the economic and housing needs of the borough

# Agenda Item 5

- 4.22 Policy H1 (Housing Provision) states that Council will positively consider proposals for the provision of housing to meet local need Housing policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address local housing needs and market demand. Policy H4 (Affordable and Low Cost Housing) requires 40% affordable housing from all residential developments. In addition 10% low cost housing is required on developments for 15 or more dwellings. These targets will apply unless evidence can be provided to show that the site cannot support those requirements from a viability perspective and that the development clearly meets a demonstrable need.
- 4.23 Policy ENV1 (Green Infrastructure) advises that Crawley's multi-functional green infrastructure network will be conserved and enhanced through various measures including protection, enhancement and integration with new development, mitigating harm and maintaining and extending links where possible, including through larger proposals.
- 4.24 Policy ENV2 (Biodiversity) states that development proposals will be expected to incorporate features to encourage biodiversity where appropriate, and where possible enhance existing features of nature conservation value within and around the development
- 4.25 Policy ENV5 requires development to make provision for open space and recreational facilities and confirms that the Community Infrastructure Levy will be used to enhance open space to mitigate the impact of increased population.
- 4.26 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.
- 4.27 Policy ENV7 (District Energy Networks) requires that any major development proposal should demonstrate whether it can connect to an existing DEN network where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be 'network ready' to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.
- 4.28 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.
- 4.29 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.
- 4.30 Policy ENV11 (Development and Noise) requires applications to be accompanied by a noise impact assessment where there is likely to be exposure to significant or unacceptable noise exposure.
- 4.31 Policy IN1 (Infrastructure Provision) seeks to ensure development will only be permitted where it is supported by the necessary infrastructure on site or through off site mitigation and advises that CIL will be sought through the relevant processes. *"Existing infrastructure services and facilities will be protected where they contribute to the neighbourhood or town overall, unless an equivalent replacement or improvement to services is provided or there is sufficient alternative provision in the area"*.
- 4.32 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 while Policy IN3 (Development and Requirements for Sustainable Transport) Advises that development should be concentrated in locations where sustainable travel patterns can be achieved.
- 4.33 Policy IN4 (Car and Cycle Parking Standards) sets out that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs assessed

# Agenda Item 5

against the Council's car and cycle parking standards. For residential development standards are based on the accessibility of the area, the levels of car ownership and size of any new dwellings.

## Other Material Considerations:

### **Town Centre SPD – October 2016 (TCSPD)**

- 4.34 This document provides guidance and advice that builds on the LP policies relating to the town centre. While not explicitly identified as a town centre development site under policy EC6, the document does identify the NCP car park as a potential opportunity area with potential to include land in Church Walk and Cross Keys to the north.  
The SPD describes the vision of the area as *“The establishment of a vibrant part of the town centre through the activation of unused areas, increased permeability and strengthening of perimeter sites. A key component of any development of this area will be the creation of a sense of intrigue and interest”*.
- 4.35 The general key planning principles include:
- *Fully integrate the area into the town centre with a complementary mix of uses including small-scale retail provision.*
  - *Create interest through new and regenerated public spaces and inter-linking footpaths with active frontages.*
  - *Enhance the views and setting of the listed Church of St John and adjoining High Street Conservation Area.*
  - *Create an improved public realm with equal consideration to all users.*
  - *Initiate public realm improvements (lighting, signage, paving, planting, etc.)*
  - *Encourage night time uses.*
- 4.36 The document also provides some key guidelines for different sub-areas within the opportunity area suggesting the car park site might be suitable for redevelopment with active ground floor uses, intimate informal public space provided between any development and the church hall, an gives an indication of scale and massing suggesting it should amongst other things be limited to the eave line of the buildings in Broadway, suggests the provision of smaller plots and frontages and the need for the design to respond to rights of way and existing roads.

### **Green Infrastructure SPD (adopted October 2016) (GISPD)**

- 4.37 This document includes a costing of £700 per tree in lieu of on-site planting. The document also links to the UDSPD and in respect of considering landscaping as part of high quality design.

### **Planning and Climate Change (adopted October 2016). (PCCSPD)**

- 4.38 This sets out a range of guidance and seeks to reduce energy consumption, minimise carbon emissions during development, support District Energy Networks, use low carbon or renewable energy sources, tackle water stress, cope with future temperature extremes, deal with flood risk and promote sustainable transport.

### **Urban Design (adopted October 2016) (UDSPD)**

- 4.39 This document includes further guidance and examples and explanation of the principles of good urban design, public realm design and includes guidance on outdoor amenity space standards. The adopted parking standards are contained in Annex 1 of this document, the minimum indicative parking standard for this development is 1 space per dwelling. Secure cycle parking provision is also specified as 1 space per 1 bed dwelling, 2 spaces for 2 bedroom dwellings and 1 space per 8 dwellings for visitors
- 4.40 The document provides guidance on approaching development within conservation areas suggesting amongst other things that the relevant Conservation Area statement is considered and its recommendations incorporated and reviewing the guidance provided by Historic England.

# Agenda Item 5

## Affordable Housing SPD (adopted November 2017). (AHSPD)

- 4.41 This document provides guidance on the requirements of policies H3 and H4 in the Crawley Borough Local Plan and in particular when affordable housing would be sought from residential development. This application is supported by a viability assessment which has been through independent scrutiny and will be discussed later in the report.

## High Street Conservation Area Statement (1998) (HSCAS)

- 4.42 This document sets out the important buildings and features within the Conservation Area and provides design advice for new development. St John the Baptist Church is identified as a key heritage asset within the CA. The design advice for new development includes:
- *“Views and Vistas - Proposals for new development should not restrict views north or south of the High Street or east and west from St Johns Church, Ifield Road, Broad Walk and Church Walk....Proposals for new development should be designed so that they create new views or secure and enhance existing views.”*
  - *“Scale and Proportion - Proposals for new development should not normally be more than 3 storeys in height.....New development should not dominate the skyline of adjacent properties.”*

## Crawley Community Infrastructure Levy Charging Schedule 2016

- 4.43 The Crawley CIL Charging Schedule is in effect from 17 August 2016 and is also relevant to this application as the proposal would create new dwellings.

## PLANNING CONSIDERATIONS:-

- 5.1 The key planning considerations in relation to this case are discussed under the headings listed below:
- Principle of the development;
  - Impact on the setting of St John the Baptist Church and the High Street Conservation Area;
  - Building design and impact on the street scene;
  - Impact on trees and ecology;
  - Impact of the development on the amenities of neighbouring properties/ occupiers;
  - Adequacy of accommodation for future occupiers;
  - Noise;
  - Operational requirements (Highways ,Parking, Servicing, Cycles);
  - Sustainability;
  - Ground Conditions (Archaeology, Drainage and Contamination);
  - Affordable Housing Provision and off site infrastructure;
  - Other.

### Principle of development

- 5.2 The site is currently used as a Church Hall with residential flat above and a town centre car park. The site is within the town centre boundary, main employment area and partially within the HSCA. The site is a sustainable location where development is usually supported although the site is partially within the HSCA and next to a grade II\* listed building this does not prevent policy compliant development. The key issue is whether the loss of the car park and loss of community facilities (including the residential flat) is acceptable in principle.
- 5.3 The site is a sustainable location providing surface parking spaces (34 in total). There is considered to be no overarching policy objection to the removal of this town centre car park however, the applicants evidence to justify the loss of this provision is somewhat limited. WSCC have commented that while the applicant has provided evidence of the total number of alternative car parking spaces within the centre of Crawley, there is no indication as to the potential spare capacity of these car parks (which would help justify the loss of Cross Keys car park).

# Agenda Item 5

- 5.4 Policy IN1 requires protection of community facilities where they contribute to the neighbourhood or town overall, unless equivalent replacement or improvement services are provided or there is sufficient alternative provision in the area. This proposal would involve the loss of the church hall and provision of a community space/retail area amounting to some 256 sq m of floorspace. There is little information provided about the existing church hall, its floorspace and how this current facility meets the needs of the church and the wider community. There is no information on how the new floorspace would be laid out or operated and how this would be an equivalent or improvement to the services currently provided. Further information was requested by the applicants to address these concerns however, no adequate justification was provided. It is therefore considered that the proposal is contrary to policy IN1.
- 5.5 The loss of the existing single residential flat is considered justified given the proposal would provide additional dwellings which would address Crawley's housing need.

## Impact on setting of St John the Baptist Church and the High Street Conservation Area

- 5.6 St John the Baptist Church is situated immediately to the south of the site and is a Grade II\* listed building and one of the principal buildings within the HSCA. While the applicants have provided a Heritage Statement as part of the submission this is considered inadequate as it does not analyse how the church is experienced within its setting. The setting of the heritage asset in the surroundings is a material consideration.
- 5.7 Historic England have commented on the inadequacy of the heritage analysis, in particular in relation to the setting of the church and that as a result of this, the application has failed to properly identify opportunities for enhancement. They comment that site redevelopment if well designed is an opportunity to enhance to contribution made by the setting to the significance of the church. In relation to the design itself they comment that *"Unfortunately, the current scheme fails to realise that opportunity but instead proposes a large, single development at an arbitrary angle to The Broadway which is at odds with the prevailing grain of development and results in an unsatisfactory left-over space in the street scene. The single block is surrounded by poorly resolved hard landscaped space and its' mass increases to the east and blocks views of the existing church tower thereby reducing its visual dominance. The height of the development to the east is too big in relation to the existing grain and character of its immediate context."*
- 5.8 The Council's Listed Building Advisor also objects to the application highlighting both the inadequacy of the heritage statement, the lack of any consideration of setting or the impact of the development to the setting of the church, the failure to understand the historic context or sense of place. Furthermore, no contextual analysis has been provided and it is considered that the development would intrude upon the historic vernacular and local distinctiveness of the area, the mass and scale of the building would be incongruous. She concludes that the proposal would result in harm to the significance of the designated heritage asset and that the harm is in respect of its setting.
- 5.9 The HSCA is predominantly 2 storey in scale with the church as key landmark building on its eastern approach. The tower in particular is a key reference point from many surrounding streets for example, visible on approach along Cross Keys, Church Walk and Ifield Road. Due to the size and massing of the building the views of the tower and church would be obstructed from the north and northeast and the building would be higher than the main ridge height of the church roof. Overall, the footprint and massing of the building combined with its close proximity to the church would have a harmful impact on the church, the hostel and the conservation area.
- 5.10 In addition to the comments listed above, it is considered that the overall design fails to respect the setting and key views of the church, resulting in a dominant building that obstructs views of the church and the wider HSCA area. It would dominate the street scene and skyline. The proposal is therefore in conflict with section 16 of the NPPF policies CH8, CH12, CH13 and CH15 of the Local Plan, the Urban Design SPD and the HSCAS.

## Building Design and Impact on the Street scene

# Agenda Item 5

- 5.11 Notwithstanding the heritage concerns, the design of the development is also considered unacceptable. It is considered that the design of the building has not been informed by either a heritage statement or any understanding of the urban form in the context of the sites surroundings.
- 5.12 The 4 storey scale of the building dominates the church to the south and the hostel building to the west. The building is also out of scale and character with the built form along The Broadway failing to respect the street pattern and the scale and proportions of the new town architecture (which is predominantly 3 storey with a low angled pitched roof).
- 5.13 As set out in para 5.7, the building would be poorly detailed and unsympathetically articulated, with no reference to the surrounding architecture or site context and would be of a scale and proportion which is out of character with the grain of the surrounding development. The proposed palette of materials, fenestration detailing and architectural language has no reference to its surroundings and appears as an incongruous block. The site is currently an open area and important transition between the HSCA and the new town retail area. The building as designed has no relation to any surrounding buildings, it is a modern block which is considered would read as an incongruous and alien feature in the street scene and appears to be top heavy when viewed from the east and west elevations.
- 5.14 The building would occupy a large rectangular footprint and is orientated to run parallel to the Church Walk footpath and to Cross Keys. The building however is angled towards The Broadway and while not visually intruding in front of the established building line, it would appear incongruous being at an irregular angle to the main street, this is further exaggerated the stepped form and design of the building frontage which fails to address the current streetscene. The angle to the Broadway and the overall footprint of the building leave little opportunity to provide an attractive setting for the building in the wider public realm. The building appears cramped to the road and other site boundaries leaving no opportunity for soft landscaping, parking or amenity areas for future residents.
- 5.15 The siting of the building would increase the sense of enclosure for pedestrians in Church Walk and introduce a new alleyway to Cross Keys. While there would be flats overlooking these areas, the layout and design are considered to raise issues of security and public safety for pedestrians and residents. The public realm proposed does not relate well to its surroundings.
- 5.16 At ground floor level is the proposed church community hub / retail area shown on the plans as a glazed frontage with little detailing or consideration of the ground floor vernacular of The Broadway on which the unit would be sited.
- 5.17 The roof design would include a lift shaft protruding over the flat roof and the possibility of PV panels being visible above the roof would further jar with the roofscape of the surrounding area. The introduction of roof terraces would also be out of keeping in the context of the surrounding area.
- 5.18 Overall the scale, siting, footprint, design and massing of the building is considered to be poorly designed and incongruous and would be detrimental to the character of the site and surroundings. The development would therefore be contrary to policies CH2, CH3, CH8, CH12 and CH15 of the Crawley Borough Local Plan and the advice in the Urban Design SPD and the High Street Conservation Area Statement.

## Impact on trees and ecology

- 5.19 It is proposed to remove the mature TPO beech tree to the west of the church hall and second tree along with existing shrubs from within the curtilage of the church hall to accommodate the development. The belt of trees along the southern boundary of the car park are proposed to be retained. There is not considered to be any justification provided for the removal of the beech tree which is considered to make a positive contribution to the character of the conservation area.
- 5.20 The southern tree belt is also considered an important feature in relation to the church and its graveyard and to the character of the eastern end of Church Walk. The arboricultural officer

# Agenda Item 5

considers that these trees, while shown to be retained would be negatively impacted by the development in the long term due to the close proximity of the building and the pressure for works to the trees from occupants whose dwellings would face onto them. Their future health and amenity would be compromised by the development and given the limited space available would be unlikely to be replaced by any meaningful landscaping if a tree was to require removal.

- 5.21 It is considered therefore that the development would have a detrimental impact on the existing trees which make a positive contribution to the character of the site and the setting of the Conservation Area / Listed Building. No on-site tree mitigation is proposed. There would be pressure for works to the southern tree belt due to the size and maturity of the trees which would be approximately 6m distant between the flower bed and the southern wall of the building. For single aspect south facing flats, this would cause excessive shading and poor living conditions for the occupiers along with pressure to carry out works to the trees. The proposal is therefore contrary to policies CH3, CH5, CH6 and CH13 of the Crawley Borough Local Plan and the advice in the UDSPD and GISPD.
- 5.22 A preliminary bat roost assessment has been provided by the applicants as there is potential for these protected species to be present in the trees and in the church hall building. The Council's Ecological Advisor has commented that the findings of the ecological survey are inadequate and that based on the information provided it cannot be determined whether the proposal is in accordance with the relevant biodiversity policies. No additional information has been provided by the applicant, the proposal may be in conflict with policy ENV2 (biodiversity).

## Impact of the development on the amenities of neighbouring properties/ occupiers

- 5.23 The nearest residential property is Evergreens Hostel (formerly the Rectory) located to the west of the site. This two storey property has bedroom windows in its east facing elevation. The hostel kitchen and 1 bedroom has its principal (and only windows) facing east towards the proposed development, while other rooms including 2 further bedroom have secondary windows in the east elevation. The west elevation of the development would be 4 storeys in scale and measure 12.5m high to the top of the flat roof (excluding solar panels and lift overrun). The width of the western elevation would measure 20.5m and incorporates 9 balconies for flats on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors which would directly overlook the grounds and windows of the hostel. The average separation distance between the flank wall (with its bedroom windows) and the development is around 13m.
- 5.24 It is considered that the design and layout with balconies overlooking the hostel bedrooms would result in an unacceptable loss of privacy to the occupiers of the hostel. The proposal is contrary to the UDSPD which seeks to ensure that adequate window to window distances are maintained to protect privacy. The proximity of the building to the hostel combined with its scale and massing is also considered to result in a dominant and overbearing development for on the occupiers of the hostel, the building being 2 floors higher than the hostel with very limited setback from the site boundary. The impact of the building would be increased due to the loss of the existing landscaping along the western site boundary which currently provides a softened outlook and reduces the visual impact between the two existing buildings.
- 5.25 Furthermore, it is considered that the bulk, siting and massing of the building would result in unacceptable shading to the hostel in particular to occupiers with east facing bedrooms. While a daylight and sunlight plan has been provided, there is no explanation as to methodology employed to inform the modelling. The study however, does show that a building of this significant scale and bulk would cast considerable shade over these windows which currently have much more open outlook onto the church hall.
- 5.26 To the north is 50-52 The Broadway currently in retail use at ground floor with offices above on the 1<sup>st</sup> and 2<sup>nd</sup> floors. The main outlook for the retail unit is east onto The Broadway and the proposed development is considered to have no detrimental impact on these occupiers. The 1<sup>st</sup> and 2<sup>nd</sup> floor offices have their principal windows facing south onto the application site. There would be a distance of between 8 - 13m separation between the flats windows and the office windows to the north with the Cross Keys Service Road separating the two buildings. The proposed development would increase the level of shading to the office windows and the windows would be overlooked by

# Agenda Item 5

future residents however, it is not considered that this would be harmful to the amenities of the occupiers of these offices to warrant a refusal on this basis.

- 5.27 There is not considered to be an adverse impact on amenities for the users of the church or for the properties to the east of the site (on the eastern side of The Broadway) from the development.
- 5.28 In conclusion, it is considered that the development would have a harmful impact on the occupiers of the Evergreens Hostel due to the layout, massing, design and close proximity of the building to the hostel. The development is therefore contrary to policy CH3 and the guidance in the UDSPD.

## Adequacy of accommodation for future occupiers

- 5.29 The residential accommodation proposed is 28 x 1 bedroom flats and 6 x 2 bedroom flats. The 2 studio flats listed on the accommodation schedule by the applicant are, due to their layout are actually 1 bedroom flats and have been considered on this basis. The floorplans for the flats show that with the exception of the 2 studio flats which are over 10 sq m below the required floorspace, the other accommodation has internal floor areas which just meet the Nationally adopted standards.
- 5.30 There are concerns with the layout and design of the flats in particular with regard to privacy and the provision of private amenity space. At ground floor level, the flats (particularly those on the north and west side) have only a small amenity area outside their front windows. In addition these flats show cycle stores outside the windows and while no details have been provided, this arrangement would appear to impede on views from these windows as well as limiting the useable amenity area. The supporting information suggests that the ground floor amenity space would be secured by metal railings, however this area would not be private amenity space and would be overlooked along with the flat windows by all passers-by. The design is therefore not considered acceptable due to the lack of defensible space, the overlooking and the lack of privacy and would make future occupants of these units feel insecure. At upper level the balconies are proposed to be glazed and this design approach is not considered to provide adequate private amenity space as occupiers are likely to add makeshift screens behind the glass to increase privacy.
- 5.31 As discussed earlier in the report, some of the flats on the southern elevation would experience considerable shading due to their close proximity to the mature tree belt currently extending along the car park. It is considered there would be pressure to reduce shading to these flats and reduce the dominance of the trees on these occupiers. The flats at ground floor level facing the trees would also be very shaded and those west facing units would have an outlook onto a footpath and a boundary fence with a separation gap of between 4 and 7 metres between the windows and the fence, it is considered that this relationship could also make occupants feel insecure. There is also a mature tree just beyond the north-west boundary of the site and other landscaping in the grounds of the hostel which would increase shading to these flats.
- 5.32 There is also concern about overlooking and loss of privacy for occupants facing north towards the offices at number 50-52 The Broadway. The separation distance between these office windows and the flats is between 8 to 13m with direct overlooking between the properties. It is considered that the occupiers of the flats would be overlooked by those in the offices and the design and layout does not give adequate privacy.
- 5.33 It is therefore considered that the proposed accommodation as designed is not adequate for future occupiers and is therefore contrary to policies CH3 and CH5 of the Crawley Borough Local Plan and the advice in the Urban Design SPD.

## Noise

- 5.34 Policy ENV11 seeks to protect future residents from unacceptable noise impacts and requires that a noise impact assessment is provided. Policy CH3 requires development to be designed to provide a good standard of amenity for future occupants. The Environmental Health Division have been consulted on this application and have commented that while the site is unlikely to be impacted by typical noise sources in town centres such as traffic or mechanical plant, occupants would be subject to noise from the church clock and church bells. The Environmental Health Officer

# Agenda Item 5

requested that a noise report be provided on the impact of the church bells as the closest residents would be within 20m of the bells at a similar height to the bells in the tower. No noise report has been provided and therefore the Local Planning Authority is unable to determine if the development is acceptable or not. The development therefore has not demonstrated it complies with para 182 of the NPPF, policy ENV11 and policy CH3 of the Crawley Borough Local Plan.

## Operational requirements (Highways, Parking, Servicing, Cycles)

- 5.35 The application site is located within the town centre boundary and is considered to be a highly accessible location close to Crawley Station and the bus station. This is considered a very sustainable location where future residents would have access to a range of alternative transport options. A reduced level of parking could therefore be justified.
- 5.36 The proposed development is car free with no parking provision made for the flats or the retail / community space. WSCC have raised no objection to the lack of parking and have commented that the development can be accommodated without a detrimental impact on the surrounding highway network. WSCC have also commented on the Travel Plan provided by the applicants and requested that further amendments be made to the document. These amendments and obligations required in a Travel Plan could be secured via a S106 Agreement.
- 5.37 There are concerns however about operational requirements of the site given its layout. The CBC refuse and recycling team have raised an objection to the refuse provision shown although this could be resolved via condition. There is no formal space within the layout for loading and unloading of vehicles either for resident's deliveries, refuse or for the shop/ community hub and therefore loading and unloading would need to be on the double yellow lines alongside Cross Keys. Whilst WSCC have not objected to this arrangement, it is considered that this lack of servicing is unacceptable given the scale of the development and that this would result in illegal parking in Cross Keys. Furthermore, it is unclear from the elevations or floorplan how the shop / community hub would be serviced as, while a bin store is shown, there is no indication of the entrances / exits or internal layout of this facility and whether storage and servicing would be adequate.
- 5.38 Cycle provision is shown to be located as individual stores for the ground floor flats (although no external elevations are provided) and a single L shaped cycle store for the upper flats. The SPD standard requires 33 spaces for the upper floor residents plus a further 4 spaces for visitors. The proposed communal cycle store is considered of insufficient size for residents (appearing to show only 27 cycle spaces) and is also an awkward shape. The communal store is not considered adequate for future residents and the individual cycle sheds for the ground floor flats are considered to be an unattractive addition to the exterior of the building in a Conservation Area and would be potentially insecure. There is no secure cycle provision for the retail / community hub use.
- 5.39 It is therefore considered that the proposed development fails to adequately address the operational needs of the future occupiers in respect to deliveries/ storage, refuse and cycle provision and is therefore contrary to policies CH3 and IN4 of the Local Plan and the guidance set out in the Urban Design SPD.

## Sustainability

- 5.40 The site is within the Town Centre which is a priority area for the delivery of a District Energy Network (DEN) as set out in policy ENV7 of the Local Plan. The policy requires that applications for major development should demonstrate how they have considered the hierarchy of options for using district or decentralised energy as specified in the policy. It is not considered that the applicants have addressed the requirements of this policy having not considered the potential for the development to connect to a future network or considered 'an alternative approach to securing decentralised low carbon energy'. The applicants were provided with further information on how to address this objection (which was provided in June 2018). No further information has been forthcoming. It is therefore considered that based on the information provided, the development is not compliant with policy ENV7.

# Agenda Item 5

- 5.41 With regard to policies ENV6 relating to sustainable design and construction and policy ENV9 on tackling water stress, the sustainability statement suggests it would comply with the policies. It is noted however that there are discrepancies in the calculations and that, based on the figures in the report the energy performance for this building is poor in relation to other more recently permitted town centre developments where energy performance appears significantly better. There are also synergies between building performance and consideration of the DEN which are not adequately covered in the application. In conclusion, the level of detail to address these requirements is inadequate but it is accepted that design and water efficiency could be controlled via a suitable condition.

## Ground Conditions (Archaeology, Drainage and Contamination)

- 5.42 The site is an archaeological notification area relating to the medieval core of Crawley. The Council's Archaeological Advisor has considered the submitted desk based assessment and concluded that field evaluation would be necessary to determine appropriate mitigation by means of a trial trench. This can be safeguarded via a planning condition.
- 5.43 The site is adjacent to church graveyard which is classed as contaminated land. To the north east is another known contaminated plot. The Council's contaminated land officer has been consulted but considers there to be a low risk of contamination and raises no objection.
- 5.44 In respect of drainage, the application was accompanied by a Flood Risk Assessment and Drainage Strategy report. Both the WSCC Flood Risk Management Officer and CBC Drainage Officer raise no objection to the proposal. Their advice would be secured via conditions and informatives.

## Affordable Housing Provision and S106 Requirements

- 5.45 Policy H4 also seeks 40% affordable housing unless an exception can be demonstrated via a comprehensive viability assessment. In this case, the applicants have provided a viability appraisal which has been independently scrutinised by the Dixon Searle on behalf of CBC. It has been demonstrated that the scheme is not viable and cannot deliver a policy compliant scheme. Dixon Searle have concluded that a viable scheme on site can make an affordable housing contribution. The findings are with the applicants to consider if they agree to a contribution. The outcome of these discussions will be updated at the meeting.
- 5.46 A clause requiring the review of the scheme viability after 18 months is considered appropriate given the changing market conditions and it is considered appropriate for inclusion in the legal agreement. Due to the commercially sensitive nature of the viability report, should Members wish to scrutinise this conclusion in further detail, the meeting will need to move to Part B (Exempt item) where the report can be discussed in further detail.
- 5.47 Policy IN1 requires developments to make provision for their on and off-site infrastructure needs. The development is CIL liable.
- 5.48 In accordance with policy CH6 of the Local Plan and the Council's adopted Green Infrastructure SPD, a contribution towards additional tree planting is sought. Using the formula approach based upon the number of trees lost/gained and the number of new residential units, this equates to a contribution of £29,400 (number of new units (34) plus number of trees lost (and to be replaced based on stem diameter)(8) minus number of new trees (0) x £700 per tree).
- 5.49 Policy IN1 also specifically applies to open space, parks and play space and as no open space provision is made on site the impacts off-site need to be considered on a site by site basis. Based on the assessed level of occupation of the building the potential contribution towards Open Space (total £13,196) is as follows:
- £6783 - provision for childrens/ youth play for either Kilnmead Close Play area or Memorial Gardens
  - £3848 - improvements to the quality or provision of accessible amenity green space in Northgate or Southgate
  - £1565 - towards allotments at Riley Road or the West Green allotment site.

# Agenda Item 5

- 5.50 In respect of any affordable housing, travel plan and other contributions, these would need to be secured through a S106 Agreement. The LPA had not sought to engage the applicant in the preparation of a S106 agreement due to the concerns it has with other aspects of the development and therefore a refusal reason is recommended due to the absence of this document. In the event that an appeal is lodged if an appropriate S106 is entered into, this refusal reason could be addressed.

## Other

- 5.51 In respect of housing mix, it is noted that the proposed accommodation mix of 28 x 1 bedroom and 6 x 2 bedroom flats is not compliant with policy H3 which seeks a mix of dwelling types and sizes based on evidence in the Strategic Housing Market Assessment. Based on the evidence in this document there should be a greater mix of larger units and 3 bedroom dwellings within this proposed development.
- 5.52 Policy H3 accepts that the appropriate mix of house types will depend upon the size and characteristics of the site and the viability of the scheme. The policy requires that the accommodation mix of new residential schemes should reflect the latest evidence of housing need and this information should be supplied in support of any application along with justification for any deviation from recommended housing mix. The applicants have provided no justification for the accommodation mix proposed and in the absence of this evidence, it is not considered that the proposal would meet the requirements of policy H3 and addressed Crawley's local housing need.

## **CONCLUSIONS:-**

- 6.1 The site is within the town centre boundary, main employment area and partially within the HSCA. The site is a sustainable location where development is usually supported and the fact the site is within the HSCA and next to a grade II\* listed building does not prevent policy compliant redevelopment.
- 6.2 In this case however, the proposed development has been poorly informed by an inadequate heritage statement and has failed to address key policies in the local plan. The development through the lack of supporting information has not addressed the loss of the church hall as community asset, failed to demonstrate compliance with biodiversity policies, failed to demonstrate a suitable housing mix, failed to address the sustainability policies and failed to address the noise environment for its future occupiers.
- 6.3 The overall scale and massing of the development is considered to harm the setting of St John the Baptist Church which is a grade II\* listed building and is harmful to the character of the High Street Conservation Area. The proposal also fails to address the site context and relationship to The Broadway or from other key views. The design, layout and massing is considered incongruous in its site context and harmful to the character of the area.
- 6.4 The development also fails to provide an adequate environment for its future occupiers or meet their operational needs. The proposal harms the amenities of the adjoining occupiers in the hostel and would compromise the long term health and amenity of the trees along the southern site boundary which provide an important setting to Church Walk.
- 6.5 Overall, the amount of development proposed is considered to result in overdevelopment of this site due to the scale and massing of the building, the failure to address the negative impacts on neighbouring properties and existing site features, the inadequacy of the accommodation provided to create a suitable environment and meet operational needs and the failure to understand the site context.
- 6.6 The proposal therefore conflicts with the guidance set out in the National Planning Policy Framework and policies IN1, IN4, CH2, CH3, CH5, CH6, CH8, CH12, CH13, CH15, ENV2, ENV6, ENV7, ENV11 and H4 in the adopted Crawley Borough Local Plan 2015-2030 and the advice in the Green Infrastructure SPD, Town Centre Wide SPD, Planning and Climate Change SPD, Affordable Housing SPD, Urban Design SPD and the High Street Conservation Area Statement.

# Agenda Item 5

## **RECOMMENDATION RE: CR/2018/0079/FUL**

**REFUSE** - for the following reasons.

1. The proposed development results in the loss of the existing church hall (community facility) and it has not been demonstrated that the retail / community space would provide an equivalent replacement or improvement to the services provided and is therefore contrary to policy IN1 of the Crawley Borough Local Plan 2015-2030.
2. The proposed development will result in less than substantial harm to the setting of St John the Baptist Church which is a Grade II\* listed building. The harm is considered to be at the higher end of the scale and as such will not accord with local and national policy that requires new development to preserve or enhance the significance of a designated heritage asset. The development is contrary to the NPPF guidance (Section 16), policies CH8, CH12, CH13 and CH15 of the Crawley Borough Local Plan 2015-2030, the guidance in the Urban Design SPD and the High Street Conservation Area Statement.
3. The proposed development by virtue of its scale, footprint, design and massing is considered to be poorly designed and appear as an incongruous feature which would be detrimental to the character of the site and surroundings. The development would therefore be contrary to policies CH2, CH3, CH8, CH12 and CH15 of the Crawley Borough Local Plan and the advice in the Urban Design SPD, Town Centre SPD and the High Street Conservation Area Statement.
4. The proposed development by virtue of its close proximity to the trees along the southern boundary of the car park would result in pressure to prune or fell the trees due to shading and nuisance to future occupiers. The loss of the trees would be harmful to the character of the area contrary to policies CH2, CH3 and CH13 of the Crawley Borough Local Plan and the advice in the Green Infrastructure SPD.
5. The proposed development fails to demonstrate how the biodiversity objectives of the development plan have been adequately addressed in relation to the potential presence of bats at or near the site. The proposal is therefore contrary to policy ENV2 of the Crawley Borough Local Plan 2015-2030 and the advice in the Green Infrastructure SPD.
6. The proposed development by virtue of its scale, massing, design and proximity to Evergreens Hostel would have a detrimental impact due to loss of privacy, loss of light and outlook and overbearing presence to the occupants of the hostel contrary to policy CH3 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.
7. The proposed development by virtue of its siting, layout and design would result in an unsatisfactory environment for future residents contrary to the NPPF Sections 8 and 12, policies CH3 and CH5 of the Crawley Borough Local Plan and the advice in the Urban Design SPD.
8. The proposed development fails to adequately demonstrate that future occupants would not be adversely affected by noise from the bells at St John the Baptist's church. The development has failed to consider this noise source as part of its design and layout (or address any mitigation that be necessary to ensure that future occupants would not be exposed to unacceptable levels of noise to the detrimental to their health. The proposal is therefore contrary to Section 15 in the NPPF, policies CH3 and ENV11 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.
9. The proposed development fails to adequately address the operational needs of the future occupiers in respect to deliveries/ storage, refuse and cycle provision and is therefore contrary to policies CH3 and IN4 of the Local Plan and the guidance set out in the Urban Design SPD.
10. The proposed development fails to adequately address how the development plan sustainability objectives are proposed to be met in the design of the building and its construction and has not fully explored the options for connection to a future district energy network. It is therefore contrary to

# Agenda Item 5

policies ENV6 and ENV7 of the Crawley Borough Local Plan 2015-2030 and the advice in the Planning and Climate Change SPD.

11. No agreement is in place to ensure that the appropriate affordable housing and infrastructure provisions for open space and tree planting required to support the development are secured. The proposed development is therefore contrary to Policies IN1, CH6 and H4 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure SPD, the Affordable Housing SPD and the Developer Contributions Guidance Note.
12. The proposed development fails to demonstrate that it has provided an appropriate housing mix to meet Crawley's housing needs in line with the evidence set out in the Strategic Housing Market Assessment. The proposal is therefore contrary to policy H3 in the Crawley Borough Local Plan 2015-2030 and the guidance in the Affordable Housing SPD.
13. The proposal would result in overdevelopment of the site by reason of its layout, height and scale and would be detrimental to the character of the site and surroundings, the amenities of nearby occupiers and the amenities of future occupants. The proposed development would be contrary to policies CH2, CH3, CH5, CH6, CH8 and IN4 of the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design Supplementary Planning Document.

## 1. NPPF Statement

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

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

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

# Agenda Item 5

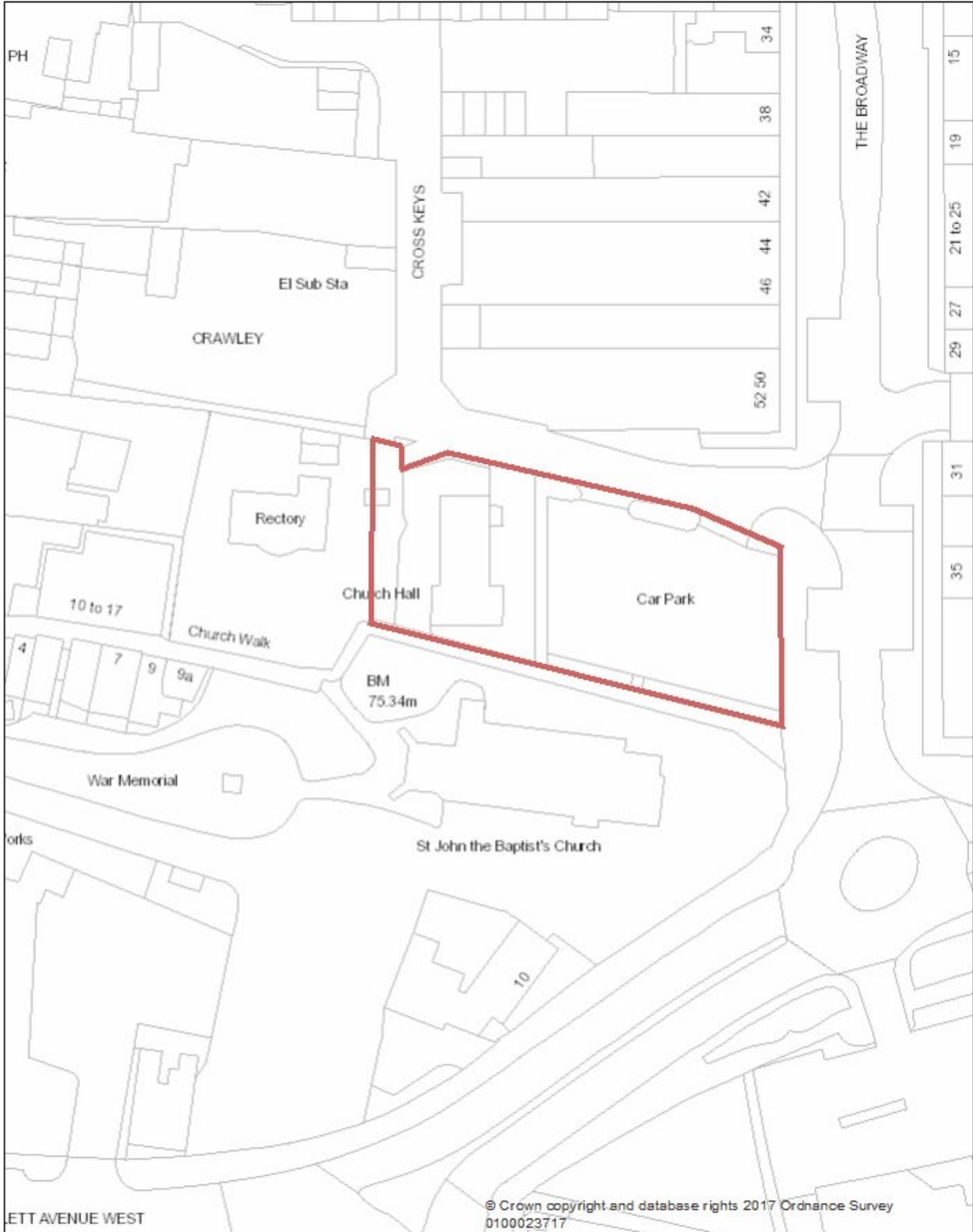


## ArcGIS Web Map



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

1:750



© Crown copyright and database rights 2017 Ordnance Survey  
0100023717

This page is intentionally left blank

# Agenda Item 6

**CRAWLEY BOROUGH COUNCIL**  
PLANNING COMMITTEE - 12 March 2019  
REPORT NO: PES/291(b)

---

**REFERENCE NO: CR/2018/0546/OUT**

**LOCATION:** [3-7 PEGLER WAY, WEST GREEN, CRAWLEY](#)  
**WARD:** West Green  
**PROPOSAL:** OUTLINE APPLICATION (ACCESS, APPEARANCE, LAYOUT & SCALE) FOR DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND ERECTION OF A 6-STORY RESIDENTIAL BUILDING CONSISTING OF 10 NO. 1 BED FLATS AND 14 NO. 2 BED FLATS

**TARGET DECISION DATE:** 29 November 2018

**CASE OFFICER:** Miss D. Angelopoulou

**APPLICANTS NAME:** Mr K White  
**AGENTS NAME:** Clifford Tee & Gale Limited

---

## **PLANS & DRAWINGS CONSIDERED:**

P18019-006, Proposed Elevations Sheet 2  
P18019-010, Location Plan  
P18019-011, Existing Site Plan  
P18019-012, Proposed Site Plan  
P18019-013, Existing Pegler Way Elevation  
P18019-001, Proposed Ground and First floor Plans  
P18019-002, Proposed Second and Third floor Plans  
P18019-003, Proposed Fourth and Fifth floor Plans  
P18019-004, Proposed Elevations Sheet 1  
P18019-005, Proposed Section  
P18019-001, Revised/Alternative Ground and First floor Plans

## **CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |     |  |   |
|-----|--|---|
| 1.  | GAL Aerodrome Safeguarding                 | The proposal could conflict with aerodrome safeguarding unless condition requiring submission of a Bird Hazard Management Plan is imposed. There also needs to be a cranes informative. |
| 2.  | WSCC Highways                              | No objection subject to conditions and informatives.  |
| 3.  | National Air Traffic Services (NATS)       | No safeguarding objection.  |
| 4.  | Thames Water                               | No objection subject to informative.  |
| 5.  | Sussex Building Control Partnership        | No response received.   |
| 6.  | Sussex Police                              | Comments received regarding the parking area, visitor door entry system, communal entrance door-sets, etc.  |
| 7.  | CBC Drainage Officer                       | Comments received.  |
| 8.  | CBC Housing Enabling & Development Manager | No response received.   |
| 9.  | CBC Environment Team                       | No response received.   |
| 10. | CBC Contaminated Land                      | No objection subject to condition.  |
| 11. | CBC Environmental Health                   | Objection on noise grounds.   |

# Agenda Item 6

12.	Crawley Cycle & Walking Forum	Objection on shortfall of cycle spaces.
13.	CBC Refuse & Recycling Team	Objection to bin store design and provision
14.	Southern Water Ltd	No objection subject to informative.
15.	CBC Energy Efficiency & Sustainability	Comments; further information is required over Policy ENV7.
16.	CBC Retail & Employment	No objection.
17.	Archaeology Officer	Objection due to lack of Archaeological Assessment.
18.	WSCC Lead Local Flood Authority	Comments received and conditions recommended.
19.	CBC Countryside & Open Space	Comments; contributions needed.
20.	CBC Housing	Objection to proposed housing mix.
21.	CBC Economic Development	Comments provided.
22.	WSCC Fire & Rescue	No response received.
23.	Central Crawley CAAC	No objection.
24.	CBC Urban Design	Objection; overdevelopment of site, quality of residential accommodation, relationship between public and private realm, relationship to the High Street Conservation Area.

## **NEIGHBOUR NOTIFICATIONS:-**

The application was advertised in the local press on 12/09/2018 and site notices were displayed to the front and rear of the site on 06/09/2018.

## **RESPONSES RECEIVED:-**

An objection letter/petition of ten signatures has been received from the adjoining Gulzar e-Habib Islamic Centre raising objections on the grounds that the proposal would create extra noise and traffic, and would have insufficient car parking. This would be exacerbated on Friday prayer time when they expect around 150-200 people to gather. They also state that the mosque and community centre has five prayer times per day and that from 5pm-7pm they provide tuition to children.

Another representation has been received from an adjacent occupier raising objections to the proposal on the following grounds:

- there are already major issues with parking in this area;
- the applicant has a right of way for 4, not 24, units and currently only has 8 parking spaces;
- the mosque next door is very busy on a Friday and only has 6 spaces; and
- the proposal would have a detrimental effect on selling the new flats and shop units on the former market site as there would be very serious parking problems.

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

The application is major development.

## **THE APPLICATION SITE:-**

- 1.1 The application site (0.09ha including the private access road to the rear) lies on the eastern side of Pegler Way, a dual carriageway and the relief road for the High Street. The land currently contains a short brick built terrace of single and two storey commercial units (3-7 Pegler Way) and their car parking/servicing areas to the rear. The levels slope down from east to west and also from south to north towards Orchard Street.
- 1.2 The application site is currently occupied by eight different businesses, as the four buildings are all subdivided. No.3 is subdivided internally to form 2 units, No.4 has been subdivided into two smaller units (No.4a and No.4b) and No.5 into three units (No.5a on first floor, No.5b/c and No.5d/e on ground floor). Nos.6/7 is operated as one unit. These properties appear to be in A1 (Retail) use at Nos. 3, 4a and 5a, A2 (Financial and professional services) use at No.4b, A4 (Drinking

# Agenda Item 6

establishments) use at Nos. 6/7) and A5 (Hot food takeaway) use at Nos. 5b/c and 5d/e. The lawful use of No.5a, the first floor part of the building to the rear, appears to be B1 office use.

- 1.3 Vehicular access is from Orchard Street to the north via a short unnamed road with the service areas and car-parks of neighbouring sites along either side. The site has some parking spaces within the rear car park. Pedestrian access to No.5 is via the vehicular access, but pedestrian access to Nos. 3, 4 and 6/7 is from Pegler Way.
- 1.4 The site lies within the Town Centre Boundary, but is outside the Primary Shopping Area. It lies within a Priority Area for District Energy Networks defined by the Local Plan. The site is also within the Long Distance View Splay from Tilgate Park as identified by the Local Policy CH8.
- 1.5 To the north of the site is Nos 1-2 Pegler Way, a single storey building occupied by the Gulzar e-Habib Islamic Centre. To the north of this is a surface car park fronting Pegler Way and Orchard Street. Part of this car park is occupied by a car wash business adjacent to the access road. To the south of the site is Shaw House, a former 4 storey office building in the process of being converted to residential use. To the east lies the High Street Conservation Area with several listed and locally listed buildings (Nos.1-9 Grand Parade). Orchard Street multi-storey car park is located to the west of the application site.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 The application seeks outline planning permission for the demolition of the existing commercial buildings and the erection of a 6-storey residential building comprising 10 one bed flats and 14 two bed flats. Approval is sought for access, appearance, layout and scale at outline stage, with only landscaping to be considered at Reserved Matters stage.
- 2.2 The 24 flats would be within an 'L' shaped residential block with a maximum height of six storeys, reducing down to five, four and single storeys to the east towards the access road. The maximum height of the block of flats would be nearly 18.5 metres. The building would measure approximately 22m long along its western elevation onto Pegler Way and 36.4m long on its south facing elevation. There would be a 1 metre gap to the southern boundary with Shaw House and the building would abut the north and east boundaries. The proposed building would have a flat roof and would be brick with the top floor finished in weatherboard cladding.
- 2.3 Vehicular access to the new development would be provided by the existing access road from Orchard Street to the north. A total of 14 car parking spaces, including one disabled parking space, would be provided at ground floor level, along with bicycle and bin storage. The main pedestrian entrance to the flats would be onto Pegler Way, but there would also be a rear entrance from the parking area.
- 2.4 The following documents have been submitted in support of the application:
  - Design and Access Statement
  - Open Space Assessment
  - Foul Sewerage and Utilities Assessment
  - Affordable Housing Statement
  - Pre-application Advice Acknowledgement

## **PLANNING HISTORY:-**

- 3.1 The planning history for the application site is long, although has limited relevance to the current application:

### **Unit 3 (previous address 3 Orchard Street)**

**CR/516/1982** - Change of use to retail showroom and storage facility for double glazing products – Permitted.

**CR/571/1990** – Erection of new shop window – Permitted.

### **Unit 4 (previous address 4 Orchard Street)**

# Agenda Item 6

**CR/267/1958** - Proposed Workshops – Permitted.

**CR/155/1983** - Change of use for sale and servicing of motor cycles with ancillary offices – Permitted.

**CR/1992/0524/COU** – Change of use from retail sales of domestic goods to hot food restaurant with take-away facilities – Permitted.

**CR/1994/0291/NCC** – Relaxation of condition 1 of CR/92/0524/COU to allow permanent use of restaurant – Approved.

**CR/2010/0459/COU** – Retrospective application for subdivision of unit 4 to form new unit and change of use from A3/A5 to use as A1 (hairdressers) – Permitted.

## **Unit 5 (previous address 5 Orchard Street)**

**CR/1996/0538/COU** – Change of use of commercial store to offices linked to adjacent office (for use as private taxi hire office). The approved plans show a building sub-divided into five units; 5a, 5b (two storey element), 5c, 5d, 5e. This approved use referred to 5d on the ground floor (approximately in the middle of the building). On the approved plans the two storey element to the rear was shown as offices (5a & 5b).

**CR/1998/0122/COU** – Change of use of part of building from motorcycle workshop store to food preparation including flat roofed passage to 6/7 Orchard Street (amended application received 30/03/1998). These approved plans also show a building sub-divided into five units. They show that the two storey element was office use, the ground floor units to the west was approved as food preparation and the ground floor units to the east on ground floor was a commercial unit. Condition 2 of this planning permission stated that the use hereby permitted shall only be used ancillary to the A3 use permitted under CR/96/0275/COU at no. 6/7 Orchard Street and for no other purposes.

**CR/2008/0676/191** – Certificate of lawfulness of existing use of 5 Pegler Way as A5 Hot Food Takeaway – Refused.

**CR/2010/0336/COU** – Change of use from offices (A2) to take away (A5) & installation of extraction unit – Permitted.

**CR/2013/0548/FUL** – Change of use from A2 (financial & professional services) to A5 (hot food take away), including installation of extraction unit – Permitted.

## **Units 6/7 (previous address 6/7 Orchard Street)**

**CR/448/1984** – Change of use to nightclub for private members – Permitted.

**CR/1996/0275/COU** – Change of use from motor cycle retail unit to restaurant – Permitted.

**CR/2012/0322/FUL** – Retention of A3 (restaurant) and A5 (take away) use to also include A4 (bar) use – Permitted.

## **PLANNING POLICY:-**

### National Planning Policy Framework (February 2019)

- 4.1 The revised National Planning Policy Framework (NPPF) was published in February 2019 and has updated the earlier versions published in July 2012 and July 2018.
- 4.2 Paragraph 8 states that achieving sustainable development means the planning system has three overarching objectives which are interdependent and need to be secured in mutually supportive ways. These are:
  - a) an economic objective – “to help build a strong, responsive and competitive economy...”
  - b) a social objective – “to support strong, vibrant and healthy communities....”
  - c) an environmental objective- “to contribute to protecting and enhancing our natural, built and historic environment...”
- 4.3 Section 5 – ‘Delivering a sufficient supply of homes’ emphasises the need for the planning system to deliver a sufficient supply of homes including affordable housing and the need for LPA’s to maintain and monitor the supply of housing against its housing requirement.
- 4.4 Section 6 – ‘Building a strong, competitive economy’ emphasises the need for the planning system to help create conditions where businesses can invest, expand and adapt in order to support the need for economic growth and productivity. Significant weight should be placed on the

# Agenda Item 6

need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 4.5 Section 7 - 'Ensuring the vitality of town centres' states that planning policies and decisions should "*support the role that town centres play at the heart of local communities, by taking a positive approach to their growth management and adaption*". Paragraph 85 also states that planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters, and also recognises that residential development often play an important role in town centre vitality and should be encouraged on appropriate sites.
- 4.6 Section 8 – 'Promoting healthy and safe communities' seeks to ensure planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible so that crime and disorder and fear of crime do not undermine quality of life and enable and support healthy lifestyles. Planning policies and decisions should promote public safety and take into account wider security (and defence) requirements.
- 4.7 Section 9 – 'Promoting sustainable transport' sets out transport considerations for new development including potential impacts on the existing transport network/s, opportunities for sustainable modes of transport and the need to focus development in sustainable locations. Paragraph 110 states that applications for development should give priority first to pedestrian, cycle and public transport movements, address the need of people with disabilities in relation to all transport, create safe, secure and attractive places avoiding conflict between different transport users, allow for efficient delivery of goods, and access by service and emergency vehicles and be designed to enable charging of plug-in vehicles.
- 4.8 Section 11 – 'Making effective use of land' states in paragraph 117 that '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*'. The redevelopment of underutilised land and buildings is encouraged, and LPA's should take a positive approach to alternative uses of currently developed land which is not allocated for a specific purpose to meet identified development needs. Paragraphs 122 and 123 seek to ensure efficient use though achieving appropriate densities on each site.
- 4.9 Section 12 - 'Well designed places' states that good design is a key aspect of sustainable development and that the planning and development process should achieve the creation of high-quality buildings and places. Paragraph 127 states:  
*'Planning policies and decisions should ensure that developments:*  
*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*  
*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*  
*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*  
*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*  
*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*  
*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 4.10 Section 15 – 'Conserving and enhancing the natural environment' - includes advice on ground conditions and pollution. Paragraph 180 states: '*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects*

# Agenda Item 6

*(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) Mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life, ....'*

- 4.11 Paragraph 182 states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 4.12 Section 16 – 'Conserving and enhancing the historic environment' provides guidance on development proposals that impact on heritage assets. Paragraph 184 states: '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 for future generations'.
- 4.13 Paragraph 189 states that: *'In determining applications, LPAs should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'*.
- 4.14 Paragraph 190 states: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

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

- 4.15 Policy SD1: Presumption in Favour of Sustainable Development. This is the overarching policy for the plan and states that there will be a presumption in favour of sustainable development. Development will be supported when it complements Crawley's character as a compact town within a countryside setting, developed on a neighbourhood principle and maximises the use of sustainable travel. Development will be supported where it respects the heritage of the borough and protects, enhances and creates opportunities for Crawley's unique Green Infrastructure and accords with other policies and objectives unless material considerations indicate otherwise.
- 4.16 Policy CH2: Principles of Good Urban Design in order to assist in the creation, retention or enhancement of successful places. In particular development proposals will be required to:
- (a) respond to and reinforce locally distinctive patterns of development and landscape character and to protect and/or enhance heritage assets,*
  - (b) create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas,*
  - (c) create public spaces and routes that are attractive, safe, uncluttered and which work effectively for all in society including disabled and elderly people,*
  - (d) make places that connect with each other and are easy to move through,*
  - (e) provide recognisable routes, intersections and landmarks to help people find their way around,*
  - (f) consider flexible development forms that can respond to changing social, technological and economic conditions,*

# Agenda Item 6

*(g) provide diversity and choice through a mix of compatible development and uses that work together to create viable places that respond to local needs”.*

- 4.17 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.
- 4.18 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.
- 4.19 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.
- 4.20 Policy CH6: Tree Planting and Replacement Standards. Landscape proposals for residential development should contribute to the character and appearance of the town by including at least one new tree for each new dwelling, of an appropriate species and planted in an appropriate location. If on-site provision is not feasible or desirable, commuted sums will be sought in lieu.
- 4.21 Policy CH8: Important views. The Important Views identified on the Local Plan Map should be protected and/or enhanced and development proposals should not result in a direct adverse impact or lead to the erosion of these views. The site is within the Long Distance View Splay from Tilgate Park.
- 4.22 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 a result of development. Development proposals affecting a heritage asset should describe the significance of any development assets affected and the contribution made by their setting, the impact of the development and any measures to ensure the asset is respected, preserved or enhanced.
- 4.23 Policy CH13: Conservation Areas requires that *“All development within a Conservation Area should individually or cumulatively result in the preservation or enhancement of the character and appearance of the area”*. All development should demonstrate the proposal conforms to the relevant Conservation Area statement and that consideration has been given to all of the following 5 criteria, these are:
- i) “respect the protected area and recognise the identifiable, and distinctive, character(s);*
  - ii) respect any historic landscape features which affect the character of the place;*
  - iii) maintain and enhance the area’s landscape value with regards to mature trees, hedges and public green spaces such as grass verges;*
  - iv) respect and enhance the character of lower density developments with spacious landscaped settings. This includes where the landscape dominates the buildings, the significant gaps between the buildings, the set back from the street, as well as any large gardens, mature trees, hedges and green verges; and*
  - v) preserve the area’s architectural quality and scale.”*
- 4.24 Policy CH16: Locally Listed Buildings deals with their importance as a heritage asset. It seeks to retain these buildings and to respect and preserve their character and setting. It requires development proposals affecting Locally Listed Buildings to demonstrate that they take account of the historic and architectural interest of the building, its townscape value and the communal value of the building and its surroundings.

# Agenda Item 6

- 4.25 Policy EC1: Sustainable Economic Growth The site is located within the town centre which is identified as a Main Employment Area. Policy EC1 states that Crawley's role as the key economic driver for the Gatwick Diamond will be protected and enhanced. The policy seeks to ensure the town's main employment areas are the focus for sustainable economic growth.
- 4.26 Policy EC2: Economic Growth in Main Employment Areas. Proposals that would involve a net loss of employment floorspace in any Main Employment Area, including Crawley Town Centre, will only be permitted where they are able to demonstrate that:
- the site is no longer suitable, viable or appropriate for employment purposes; and
  - the loss of any floorspace will result in a wider social, environmental or economic benefit to the town; and
  - there is no adverse impact on the economic role or function of the Main Employment Area, and wider economic function of Crawley.
- Given the need to balance use of the available land supply for economic and housing needs, the policy criteria of Policy EC2 does not apply where residential development is proposed at housing sites identified under Local Plan Policy H2 or locations situated within the town centre boundary.
- 4.27 Policy EC4: Employment Development and Residential Amenity. Where residential development is proposed within or adjacent to Main Employment Areas, the principal concern will be to ensure that the economic function of the area is not constrained.
- 4.28 Policy EC6: Development Sites within the Town Centre Boundary. Policy EC6 acknowledges that town centre sites provide an important opportunity to promote vitality and viability through mixed use schemes to meet the economic and housing needs of the borough. Mixed-use schemes which include a proportion of residential development and/or main town centre uses will be encouraged within the boundary.
- 4.29 Policy H1: Housing Provision. The council will positively consider proposals for the provision of housing to meet local housing need ensuring against town-cramming or unacceptable impact on the planned character or neighbourhoods or residential amenity.
- 4.30 Policy H2: Key Housing Sites. This Policy encourages residential uses in the town centre, identifying the area as a broad location for housing.
- 4.31 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.
- 4.32 Policy H4: Affordable and Low Cost Housing. 40% affordable housing will be required from all residential developments. In addition to the provision of 40% affordable housing, approximately 10% low cost housing will be sought on developments proposing 15 dwellings or more, offering up to 10% discount to first-time buyers.
- 4.33 Policy ENV5: Provision of Open Space and Recreational Facilities. The impact of the increased population from residential development on open space and recreational facilities across the Borough will be mitigated by the use of the Community Infrastructure Levy which will be used to enhance existing areas of open space. This Policy requires development to make provision for open space and recreational facilities.
- 4.34 Policy ENV6: Sustainable Design and Construction. In order to maximise carbon efficiency, all homes will be required to meet the strengthened on-site energy performance standards of Building Regulations and any subsequent increased requirements along with the water efficiency standards.
- 4.35 Policy ENV7: District Energy Networks (DEN). The site is within a priority area for District Energy Networks. The development of district energy networks and associated infrastructure is

# Agenda Item 6

encouraged and should be approved unless it results in significant adverse impacts on the environs. The Policy requires that any major development proposal should demonstrate whether it can connect to an existing DEN, where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be 'network ready' to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.

- 4.36 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.
- 4.37 Policy ENV9: Tackling Water Stress. New dwellings should where viable and technically feasible, meet the Building Regulations optional requirement for tighter water efficiency.
- 4.38 Policy ENV10: Pollution Management and Land Contamination. Where a site is known or suspected to be at risk from contaminants or materials that present a hazard to health, information must be provided detailing the methodology through which risks will be addressed, and ensuring the treatment and/or removal of all such contaminants and materials prior to the commencement of development. Uses must not lead to a significant increase in levels of pollution or hazards and any impacts must be appropriately mitigated and must be located to avoid unacceptable disturbance or nuisance to the amenities of adjoining land uses and occupiers.
- 4.39 Policy ENV11: Development and Noise. People's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Noise sensitive uses proposed in areas that are exposed to significant noise from existing or future industrial, commercial or transport (air, road, rail and mixed) 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 will be made acceptable. Further guidance on this policy is provided in the Crawley Local Plan Noise Annex.
- 4.40 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.
- 4.41 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.
- 4.42 Policy IN3: Development and Requirements for Sustainable Transport. Development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network. Developments should meet the access needs they generate and not cause an unacceptable impact in terms of increased traffic congestion or highway safety.
- 4.43 Policy IN4: Car and Cycle Parking Standards. Development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council's car and cycle parking standards. Car parking standards for residential development are based on the accessibility of the area, the levels of car ownership, and the size of any new dwellings.

## Supplementary Planning Documents

- 4.44 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:

# Agenda Item 6

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

## Town Centre SPD 2016:

- 4.52 This document provides advice that builds on the Local Plan policies relating to the town centre. It provides further guidance on Policy EC2 and the loss of employment floorspace in the Town Centre, clarifying that Crawley town centre is distinct from other main employment areas in that its function includes being an appropriate location for residential use. Where residential development is proposed on upper floors or at locations allocated in Local Plan for residential use, applicants will not be required to provide information justifying loss of employment floorspace. All other proposals

# Agenda Item 6

that would result in a net loss of employment floorspace will be required to comply with the criteria of Local Plan Policy EC2.

- 4.53 The SPD also provides further guidance on proposals for new residential uses in this area which are generally supported provided it would not impact negatively on the vitality and viability of the town centre. It requires that new residential uses are carefully planned to ensure that all suitable living conditions can be achieved without constraining the operation of existing businesses. The guidance provides further information on good design, mitigating noise fumes and disturbance, providing access and meeting operational/servicing requirements.

## Green Infrastructure SPD 2016:

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

## Planning and Climate Change SPD 2016:

- 4.55 This SPD includes further guidance and justification on sustainability policies within the Local Plan (Policies ENV6, ENV7, ENV8, ENV9 and IN3).

## Affordable Housing SPD (adopted November 2017)

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

## Crawley Community Infrastructure Levy Charging Schedule 2016

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

## Developer Contributions Guidance Note (published July 2016)

- 4.58 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.

## High Street Conservation Area Statement (adopted December 1998)

- 4.59 The application site is adjacent to the High Street Conservation Area. While this document is quite dated, it does set out the important buildings and features within the Conservation Area and provides design advice for new development which is still relevant in the heritage context. The 'Design Advice for new development' states that "Views and Vistas - Proposals for new development should not restrict views north or south of the High Street or east and west from St Johns Church, Ifield Road, Broad Walk and Church Walk....Proposals for new development should be designed so that they create new views or secure/enhance existing views."

## **PLANNING CONSIDERATIONS:-**

- 5.1 The application is for outline planning permission, with access, appearance, layout and scale to be determined and only landscaping to be a reserved matter. The main planning issues are:
- Principle of development
  - Impact upon the development potential of adjoining land
  - Design/appearance of the proposal and impact on the surrounding area and heritage assets
  - Impact on neighbouring properties and amenities
  - Noise
  - The acceptability of the proposed development for future occupiers

# Agenda Item 6

- The impact on access, highways, parking and operational requirements
- Landscaping and boundary treatment
- Drainage
- Sustainability
- Contaminated land
- Housing, Housing Mix, provision of Affordable and Low Cost Housing
- Provision of Infrastructure Contributions

## Principle of development

- 5.2 The application site buildings are currently occupied by different businesses which are in a range of commercial uses. It is situated within the Town Centre Boundary and Main Employment Area as defined by Policy EC2, but lies outside the Primary Shopping Area. The application site also forms part of a larger residential 'Broad Location' (1-7 Pegler Way) identified in the Local Plan housing trajectory and Policy H2. The housing trajectory indicatively identifies this 'Broad Location' site as capable of delivering 20 dwellings within years 6-15 of the Local Plan.
- 5.3 Policy EC2 states that, given the need to balance use of the available land for economic and housing needs, the policy criteria relating to net loss of employment floorspace will not apply where residential development is proposed at housing sites identified under Local Plan Policy H2 or locations situated within the town centre boundary. As stated above, the site is part of a residential 'Broad Location' and therefore the principle of housing development is acceptable without the need to demonstrate that the loss of employment criteria are satisfied.
- 5.4 Overall, in principle, the proposed residential use in the town centre is acceptable, subject to consideration of more detailed policy and other considerations addressed below.

## Impact upon the development potential of adjoining land

- 5.5 The proposal would be an 'L' shaped residential block that would be a maximum of six storeys in height, reducing down to five, and then four, storeys to the east. The proposal would be built up to the boundary with the Islamic Centre to the north, with predominantly a six storey blank wall on the boundary. The proposal would retain only a 1 metre gap at the closest point with its southern boundary with Shaw House, with proposed side windows and balconies overlooking the rear of Shaw House. The proposal would be built up to the boundary at ground floor to the east closest to the private access road, rising to 4 storey with rear balconies 5.5m away from the access road.
- 5.6 Policy CH4 of the Local Plan requires development proposals to 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. The Urban Design SPD states that developments should also consider how the immediate space around them may be occupied/developed in the future and accommodate any potential development. Nos. 1-7 Pegler Way and the car park to the north clearly have potential for intensification in their use, particularly given their town centre location.
- 5.7 The proposed building's footprint would cover almost the entire application site. The application site comprises only part of the 1-7 Pegler Way 'Broad Location' identified in the Housing Trajectory, with Nos. 1-2 directly to the north not being included. The proposal would add a substantial and bulky building of 4-6 storeys height. This would significantly overshadow and restrict the development potential of Nos. 1-2 Pegler Way as a separate parcel of land and prejudice a more comprehensive treatment of the 'Broad Location' as a whole. The Forward Planning Team and the Urban Design Officer object to this on the basis that the continual massing, bulk and extent of the building footprint is prejudicial to the future development of this adjoining land. The proposal would also restrict the development potential of the surface car park to the north for the same reasons. To the south, the proposal would significantly overlook and dominate the rear of Shaw House to the detriment of any future development potential in this area.
- 5.8 The proposal would therefore prejudice the development of adjoining sites, result in a failure to use land over a wider area efficiently and would unduly restrict the development potential of adjoining

# Agenda Item 6

land to the north and south. This is contrary to Policy CH4 of the Crawley Borough Local Plan 2015-2030, the Urban Design SPD and the relevant paragraphs of the NPPF.

## Design/appearance of the proposal and impact on the surrounding area and heritage assets

### *Design and appearance*

- 5.9 The application site is highly visible from the surrounding area, in part due to the major roads to the north and west and in part due to the open car park to the north. To the east lies the High Street Conservation Area, from which other views of the site are available. There are substantial buildings to the west and south, including Orchard Street multi-storey car park, Shaw House, Pegler Court and Apex Apartments.
- 5.10 The layout and footprint of the proposal would cover almost the entire application site. The height of the proposal would be six storeys onto Pegler Way reducing down to four storeys 5.5m away from the eastern boundary and then being single storey up to that boundary. The proposal would be a bulky building and, by virtue of its massing, footprint and layout, would have a severely detrimental impact on the visual amenities and character of the area. The Urban Design Officer objects to the proposal stating that the bulk, massing and overall design of the north, south and east block is unacceptable. Part of the building would also protrude forward of Shaw House, exacerbating the bulk and massing of the proposal within the Pegler Way streetscene.
- 5.11 The Design and Access Statement and drawings do not detail the design approach adequately. The applicant submitted only coloured front and southern side elevations, and the detailing is not expressed in clarity on the submitted elevations. The southern side elevation does not show the angled south facing windows, which are only seen on the floor plans. The applicant has not submitted any roof plans to show its proposed design or whether there would be any plant or equipment.
- 5.12 The design is considered unacceptable given the prominence that a building of this size, massing and footprint would have in the wider area. The proposed development shows no clear design rationale and exhibits extremely limited consideration of detailing and architecture, contrary to the relevant policies and the Urban Design SPD. The north façade would have no fenestration at all, resulting in a blank wall. Whilst this is an attempt to address the concerns about impact upon and prejudice to future redevelopment opportunities of the sites to the north, in itself, the blank wall would create an unattractive and dominant feature clearly visible from the surrounding area. The Urban Design SPD advises that the openings on the façades should reflect the local vernacular in proportions and a balance should be achieved between solid walls and window/door apertures. This does not represent high quality design and this large blank façade would be highly visible and an unattractive element in this prominent location.
- 5.13 The proposed front elevation would be finished primarily in multi-tonal brick with sawtooth brick detailing. Whilst the height and brick finish could relate satisfactorily to the streetscene, the proposal would protrude forward of Shaw House and would introduce a predominantly blank and unattractive ground floor frontage. The ground floor frontage would have two high level windows, an entrance door and the protruding element would have one window. These windows are not shown on the ground floor plan, but only on the elevations. The ground floor frontage would not create an active and attractive frontage. It is also considered that the size and dominance of the protruding element and the high level windows, significantly detract from the clarity and legibility of the development, preventing visitors from easily discerning the location of the main entrance.
- 5.14 The rear elevation would have irregular window positioning and proportions, and the Urban Design Officer objects, stating that there is no consideration of how the proposed scheme addresses the private access road to the east. This part of the site directly adjoins the High Street Conservation Area and high quality design is required in terms of elevational treatment, form, landscaping and boundary treatment. The rear service areas of the Grand Parade buildings are highly visible from Pegler Way and the Orchard Street multi-storey car park, and the proposal has not considered the opportunity to improve the pedestrian environment, natural surveillance and public realm in this area.

# Agenda Item 6

- 5.15 All these elements above are considered to contribute to a proposed development that fails to provide a high quality design contrary to Local Policies CH2 and CH3, and the Urban Design SPD.
- 5.16 The agent has responded to the design concerns by stating that this is an outline application and amendments could be part of the detailed elevational design. However, this is not possible as the applicant has requested scale, appearance, layout and access to be determined at this stage.
- 5.17 Overall, the proposed development, by reason of its prominent siting, size, massing, layout, building footprint and poor design on a constrained site, would constitute an unacceptable and cramped form of development. It would be out of keeping with and harmful to the visual amenities and character of the area. The proposal at this prominent location would harm the visual amenities of the surrounding area of Crawley's Town Centre and would appear significantly out of character in this context. Its poor relationship with adjoining sites would also prejudice the future redevelopment of these sites. The proposal is considered to be an overdevelopment of the site and would conflict with Policies CH2, CH3, CH4 and H1 of the Crawley Borough Local Plan 2015-2030, the advice contained within the Urban Design SPD, the Town Centre SPD, and the relevant paragraphs of the National Planning Policy Framework (2019).

## *Impact on the High Street Conservation Area and archaeology*

- 5.18 The proposal would be a maximum of six storeys and nearly 18.5 metres. Shaw House to the south is a former 4 storey office building which is in the process of being extended in height to a maximum height of nearly 18m and converted to residential use. To the east lies the High Street Conservation Area, which contains a number of listed and locally listed buildings, including Nos.1-9 Grand Parade which are locally listed.
- 5.19 The Urban Design SPD and the Conservation Area Statement summarise the character of the High Street Conservation Area. Local Plan policies CH12, CH13 and CH16 require that development proposals should describe the significance of any heritage assets affected, the contribution made by their setting, and the impact of the development on them. The High Street Conservation Area Statement also advises that proposals for new development should not restrict views north or south of the High Street or east and west from St Johns Church, Ifield Road, Broad Walk and Church Walk. Historic England's Good Practice Advice Note 3 gives guidance on setting and the importance of views of a designated heritage asset.
- 5.20 The proposed site is not within the High Street Conservation Area, but is directly to west of it and the locally listed buildings. The submitted Design and Access Statement states only that *'the proposed building would not be visible from the High Street once the redevelopment of Crawley Traders Market site is complete, therefore would not affect the visual impact of the High Street Conservation Area.'* No Heritage assessment has been submitted as part of the application.
- 5.21 At a maximum height of 18.5 metres, the proposal would be significantly higher than buildings within the conservation area. There is potential for the development to have an impact on views of or including the High Street Conservation Area and the locally listed buildings. When considering the impact upon these views and vistas, consideration should be given to the topography of the area where the level slopes down from east to west and from south to north towards Orchard Street. The applicant has not provided any illustrative drawings to demonstrate that these views would not be adversely affected. The Urban Design officer objects, stating that the height and bulk of any new structure must not have an adverse impact on the conservation area and that, to demonstrate this, further evidence is needed. The applicant has not provided any such evidence and has failed to demonstrate that the size and scale of the proposal would not rise above the existing roofscape of the traditional and locally listed buildings that front the High Street. It has also failed to demonstrate the impact of the proposal on views towards the historic buildings within the conservation area. The limited reference submitted within the Design and Access Statement is not sufficient to address the requirements of the Local Plan, the Urban Design SPD and Conservation Area Statement.
- 5.22 The Urban Design Officer objects to the eastern elevation, stating that there is no consideration of how the proposed scheme addresses the access road that adjoins the conservation area. High

# Agenda Item 6

quality design is required at this location to protect the setting of the conservation area. The applicant has also not provided any documentation as to the impact of any roof plant and equipment in terms of a backdrop that could harm the setting of the High Street Conservation Area. This lack of detail has the potential to detract from the overall design, but also to impinge upon views within and around the Conservation Area and the setting of the locally listed buildings.

- 5.23 The application site is located within an Archaeological Notification Area formed by the Historic Core of Medieval Crawley. No Archaeological Assessment has been submitted in support of the application. The Archaeology Officer has objected due to the lack of the required assessment.
- 5.24 The agent stated in response that they thought the site was outside the designated area, but that *“an archaeological construction process would be agreed with the officer prior to commencement of works.”* This is not acceptable or in compliance with either the policy or the Archaeology Officer’s comments. The applicant has therefore failed to address the required archaeological considerations.
- 5.25 Overall, the proposed development fails to adequately address the significance of Crawley’s heritage assets in the vicinity of and within the site as it makes no proper assessment of its impact on them. The proposal therefore fails to accord with Policies CH12, CH13 and CH16 of the Crawley Borough Local Plan 2015-2030, the Urban Design SPD, and the relevant paragraphs of the NPPF.

## *Impact on Long Distance View*

- 5.26 The site is within the Long Distance View Splay from Tilgate Park, which is protected by Policy CH8. The policy states that the visual impact of proposals affecting Important Views must be clearly and accurately demonstrated as part of a planning application, for example through the use of verified view montages and cross sections.
- 5.27 The Design and Access Statement states that *“the development will have no effect on the long-distance view splay from Tilgate Park as it will be hidden behind Shaw House.”* Whilst this is partially true, the proposal would be 0.5m higher than Shaw House and its eastern part would not be screened. The applicant has failed to demonstrate that the overall proposal would not affect these views, contrary to the requirements of Policy CH8. It is however considered that, at a maximum height of 18.5 metres, it is unlikely the proposal would have a direct adverse impact or lead to erosion of the Long Distance View from Tilgate Park and would not justify a refusal based on the Long Distance View.

## The impact on neighbouring properties and amenities

- 5.28 The properties potentially most affected by the proposed development are Shaw House to the south, the Islamic Centre to the north and the rear of the Grand Parade buildings to the east.
- 5.29 Shaw House is in the process of being extended with an additional storey and converted to residential use. It is currently enclosed by scaffolding. The approved drawings show that the northern side, directly facing the application site, would have secondary kitchen windows facing north and that the additional storey would have a balcony. The rear of Shaw House has numerous windows facing onto the parking and servicing areas.
- 5.30 The proposal would introduce a 6-storey element immediately north of Shaw House. Shaw House’s north facing secondary kitchen windows and fourth floor balcony would be significantly impacted by this proposed development in terms of loss of outlook, overbearing impact and loss of light. The adopted Urban Design SPD recommends a minimum of 10.5m distance between a side development and any windows serving habitable rooms on adjacent properties. The proposed separation distance between two buildings would be approximately 2m. These secondary kitchen windows and balcony would therefore directly face onto the flank wall of the 6-storey development with a window to wall distance of around 2m. The application building would appear overbearing to these occupiers in terms of outlook and would result in loss of light. However, it is acknowledged that these kitchen windows are secondary and the open plan living room has a front window facing onto Pegler Way and as such this relationship is acceptable. Regarding the balcony this flat on the additional storey was designed with a balcony to this side and, although it would have a rear

# Agenda Item 6

living room (east) window, it is considered that this relationship would harm the amenities of this occupier to an unacceptable level in terms of outlook and overbearing presence from that balcony. It must, however, be noted that this balcony window was approved for the additional storey and it is unclear at the moment if this additional floor would be added.

- 5.31 Shaw House has numerous rear windows serving bedrooms and habitable rooms. The proposal would add a part 4-storey part 5-storey building to the north-east approximately 10m away from Shaw House. The Design and Access Statement states: *'the apartments to the rear of the site face south to benefit from sunlight. The façade is stepped back from the site boundary to enable fenestration along its length without impacting on possible further development of the Shaw House site, albeit unlikely. The windows are angled in plan to maximise use of natural daylight and direct views out. Those facing south west would be obscured glazing to avoid overlooking into the apartments at Shaw House.'*
- 5.32 The submitted floor plans show angled windows facing the rear of Shaw House, but this is not shown on the submitted elevations. Whilst the applicant states that the proposed windows facing south west would be obscured glazing, this is not shown on the plans or elevations. It should be noted that these windows serve bedrooms and lounges, both habitable rooms that should be provided with an outlook. All windows of the proposed development would have views into Shaw House and this relationship is not considered acceptable in terms of overlooking, loss of privacy, overbearing presence and overdominance for the amenities enjoyed by the occupants of Shaw House, and is contrary to Local Policy CH3 and the advice contained in the Urban Design SPD.
- 5.33 The Islamic Centre to the north is a single storey building with two small windows and a door facing the application site. Given the use of this site for community/education purposes, it is not considered that the proposed residential development would have a significantly detrimental impact on the amenities of the users of this site, although the site as a whole would be overshadowed. It is noted that a petition was received from the users of the Islamic Centre raising concerns on the grounds of additional noise, traffic and parking. These objections cannot justify a reason for refusal as this is a town centre location where noise is expected. Residential use is not considered to be an unduly noisy use.
- 5.34 The rear service areas of the Grand Parade buildings lie to the east of the site. These three storey buildings have ground floor commercial units facing Grand Parade and residential units above on first and second floors. The recently completed development at Crawley Market also has upper floor flats. There are residential windows facing the site around 48m away from the eastern boundary of the application site. The proposed development would have a 4 storey element at 5.5m away from this eastern boundary. The adopted Urban Design SPD states that three storey buildings will need to maintain a minimum distance of 30 metres between the rear windows of an opposing dwelling and the rear facing windows of the proposal in order to avoid any potential overlooking and privacy issues. As a result, given the distance between the development and these windows, the proposal would not be considered to result in a harmful impact on the amenities of these rear windows in the Grand Parade buildings.
- 5.35 Overall, the proposed development, by reason of its proximity, layout, scale, massing and facing windows would result in an adverse impact on the amenities of the future occupiers of Shaw House by way of overlooking, loss of privacy, loss of outlook, overbearing presence and overdominance. The proposal would therefore be contrary to Policy CH3 of the Crawley Borough Local Plan 2015-2030, the Urban Design SPD and the relevant paragraphs of the NPPF.

## Noise considerations

- 5.36 Policy ENV11 seeks to protect future residents from unacceptable noise impacts. 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.
- 5.37 The site is adjacent to a busy dual carriageway, which is a major noise source. There is also a hand car wash business to the north of the site and the rear service areas of the Grand Parade

# Agenda Item 6

commercial buildings lie to the east of the site (with potential plant, air conditioning units and other equipment in these areas).

- 5.38 The proposal has not been accompanied by a Noise Impact Assessment report. Environmental Health strongly objects to the lack of a report in this noisy location. The Design and Access Statement states that mitigation would be provided by triple glazing to the Pegler Way elevation and by setting the balconies facing Pegler Way back from the main road.
- 5.39 The applicant has failed to adequately address the noise environment, which is a key constraint in the design and layout of the development, despite clear guidance on these matters being set out in policy ENV11, the Noise Annex of the Local Plan and the Urban Design SPD. The applicant's floor plans show that a high number of flats would have bedrooms, habitable rooms and balconies facing onto Pegler Way, which is a known noise source. The noise levels from surrounding uses are also not established. The future occupants of these flats would be exposed to unacceptable noise levels and benefit from no specific mitigation to address traffic noise. The design has no physical measures within its siting and layout to address the noise environment (for example dual aspect dwellings with key rooms on the quieter facades of the building) and has balconies facing Pegler Way. The applicant has not considered the physical design measures which need to be incorporated to provide a suitable living environment which is a specific requirement of policy ENV11, the Noise Annex and the NPPF.
- 5.40 Despite being aware of the Environmental Health objection, the applicant has not submitted a Noise Impact Assessment report. The proposal has not addressed the requirements of Policy ENV11, which makes clear reference to the noise exposure levels and requires applicants to demonstrate that the proposal would not expose occupants to unacceptable noise levels. The proposal is therefore contrary to the Policies ENV11 (including the noise annex) and CH3 of the Crawley Borough Local Plan (2015-2030), the Urban Design SPD and the relevant paragraphs of the NPPF and officers recommend refusal on noise grounds.

## The acceptability of the proposed development for future occupiers

- 5.41 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 applicant has not specified if the proposed 2 bed flats would be 3-person or 4-person flats. A 1 bed 2 person flat should provide a minimum internal floorspace of 50sqm, a 2 bed 3 person flat a minimum internal floorspace of 61sqm and a 2 bed 4 person flat a minimum internal floorspace of 70sqm. The Policy also states that in order to provide two bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5sqm, and one double (or twin bedroom) should be at least 2.75m wide and every other double (or twin) bedroom should be at least 2.55m wide.
- 5.42 Based on the above standards, all the proposed units would meet the minimum space standards, but it should be noted that some 2 bed flats may meet the 70sqm requirement for 4-person occupancy, they would have bedrooms below the required floor area of 11.5sqm and width of 2.55m and as such they should be regarded as 2 bed 3-person flats.
- 5.43 The Council's Urban Design SPD recommends that a minimum of 5sqm of private outdoor space, where the smallest dimension is not less than 1500mm, is provided for 1 to 2 person flats plus an extra 1sqm for each additional occupant. It also states that while balconies provide a good solution, they may not be appropriate in all contexts and a semi-private outdoor, communal space may be suitable. The proposal would provide private balconies/ terrace to all flats, and four flats of the 24 flats proposed would not achieve the minimum of 5sqm of private outdoor space plus 2sqm for a 4-person flat (approximately 4.5sqm). These four flats would also have a small balcony with a poor outlook to the alleyway next to the Islamic Centre, which is a concern.
- 5.44 It is acknowledged that a significant number of proposed flats would face south to benefit from sunlight, and some would face to the east and west. No north facing flats are proposed. This is considered acceptable in terms of light and sunlight provision. The proposal has not included any ground floor flats that may have resulted in privacy, overlooking or light issues. However, there is

# Agenda Item 6

concern that the flats (apart from those facing Pegler Way) would have a poor outlook onto an unlandscaped service yard and the access to the rear. There is no communal amenity space to provide a setting to the flats or for use by future occupiers. The layout and building footprint covers the whole of the application site leaving no space for relief to the hardstanding service yard, although the landscaping is a reserved matter. This space is not considered to create an attractive outlook / amenity area for future occupiers.

- 5.45 The layout of the proposed development would provide balconies for each unit and on the proposed floor plans they are shown as they would be separated, however there is no specification how this would be achieved. Based on the submitted layout, it is considered that the balconies on the corner of the L-shaped units would offer direct views into the balconies, bedrooms and habitable rooms of the other flats within the same development causing harmful overlooking to future occupiers contrary to Local Plan Policy CH3, and the Urban Design SPD. This interrelationship between the proposed flats on the corner is considered sufficient to warrant refusal and the agent was made aware of this concern, but no comments have been received in this regard.
- 5.46 Overall, the proposed development by virtue of its layout, siting and design would result in an unsatisfactory environment for future residents due to poor outlook, inadequate communal amenity space, and loss of privacy between the flats, and would therefore be contrary to the Policy CH3 of the Crawley Borough Local Plan (2015-2030), the advice in the Urban Design SPD and the relevant paragraphs of the NPPF.

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

- 5.47 Vehicular access to the new development would be provided by the existing access from Orchard Street to the north. The main pedestrian entrance would be onto Pegler Way, with a secondary rear entrance from the parking area. WSCC Highways have been consulted and raised no objection in principle, subject to detailed conditions for cycle and vehicle parking, turning and Demolition/Construction Management Plan.
- 5.48 A total of 14 car parking spaces, including one disabled parking space, would be provided at ground floor level. The proposal does not meet the adopted parking standards set out in the Urban Design SPD which require 1 space per dwelling (24 in total) in this location. While this shortfall is noted, the standards are an indicative minimum requirement. Given its sustainable location to public transport, its close proximity to a large public car park and the existence of traffic restrictions on the surrounding streets thereby preventing overspill parking on the highways, a reduced level of parking is considered acceptable in this case. The Design and Access Statement refers to a car club assisting with travel demand and this could have been pursued if the proposal was otherwise acceptable.
- 5.49 A cycle store is proposed on the ground floor for 12 cycles. The Urban Design SPD would require 41 cycle spaces in total for this proposed development. The proposed cycle parking would not meet the Council's minimum standards as outlined in the Urban Design SPD and would not provide adequate cycle parking provision to promote sustainable mode of transport and help address the shortfall in car parking provision. As such the cycle parking arrangements are not considered satisfactory and would not accord with the Policies CH3 and IN4 of the Crawley Borough Local Plan (2015-2030) and the guidance set out in the Urban Design Supplementary Planning Document 2016.
- 5.50 The agent was made aware of this concern and provided an alternative ground floor plan that increases the provision of cycle stands to 16 bicycles. This would still be a considerable shortfall and is not considered acceptable as explained above.
- 5.51 The proposal would include bin storage on the ground floor, accessed from Pegler Way by a side gate. The Council's Refuse and Recycling Team objects to the proposed bin store design, size, doors, the bin capacities and on health and safety grounds. As revised layout has been submitted, but no confirmation of sizes/capacity of bins or the elevational changes resulting to the Peglar Way elevation. The proposal has not addressed the Refuse and Recycling team's objection and is therefore not considered acceptable, contrary to Policy CH3.

# Agenda Item 6

- 5.52 To conclude, WSCC Highways consider the principle of the application acceptable in highway terms subject to conditions. The car parking arrangements are considered, on balance, acceptable at this central location. However, the proposed development would not meet its operational requirements with regard to the storage and collection of waste/recycling and cycle parking. The proposed cycle parking would not meet the Borough Council's adopted minimum standards and would not provide adequate cycle parking provision to promote sustainable modes of transport and address the shortfall in car parking provision and, as such, the cycle parking arrangements are not considered satisfactory. The proposal would therefore not accord with the Policies CH3 and IN4 of the Crawley Borough Local Plan (2015-2030), the guidance set out in the Urban Design SPD, and the relevant paragraphs of the NPPF.

## Landscaping and boundary treatment

- 5.53 The landscaping and boundary treatment is a reserved matter and could therefore be conditioned if the proposal was otherwise acceptable. The applicant has not provided any information in this regard, although some landscaping is shown to the front setback and to the rear above the flat roof. There is no information for how the proposed scheme would address the private access road to the east in terms of boundary treatment of walls, gates and railings, as well as hard landscaping and the private roadway surface treated.

## Drainage

- 5.54 The application indicates that a Sustainable Urban Drainage System would be used to dispose of the site's surface water. The Foul Sewage and Utilities Assessment states that: *'Surface water will be part mains connected and part stored on site to be reused. We will provide onsite attenuation if necessary to control the outfall. We would also encourage the use of permeable tarmac in the parking area'*
- 5.55 The Council's Drainage Officer commented that outline proposals generally omit specific detail on flooding and surface water drainage and that the existing site appears to be 100% impermeable. He also commented that the developer should be reminded that although their proposals are in EA flood zone 1 that there is known flooding downstream and that will need to follow appropriate guidance including the WSCC Management of surface water document. They should be reminded that approval for discharge of surface water from Thames Water will not absolve them of the requirement to provide 50% betterment in attenuation for events up to 1:100year +40% climate change. Thames Water raises no objection to surface water drainage if developer follows the sequential approach.
- 5.56 The West Sussex Flood Risk Management Team has recommended some conditions regarding detailed surface water drainage designs and SUDs, and it is therefore considered that this issue could be dealt by conditions if the proposal was otherwise acceptable.

## Sustainability

- 5.57 Policies ENV6 (Sustainable Design & Construction), ENV7 (District Energy Networks) and ENV9 (Tackling Water Stress) of the Crawley Borough Local Plan are relevant to this proposal from the perspective of climate change mitigation and adaptation. The submitted Design and Access Statement includes a short section on 'Sustainability' with some general statements in relation to energy efficiency, but provides no details or quantitative information. It suggests a willingness to utilise the District Energy Network.
- 5.58 The Forward Planning Team commented that this is an encouraging statement, but further detail on the proposed energy strategy (both in respect of the district energy issue and the CO2/energy efficiency of the building generally) is required for a site of this scale and location. It is noted that permission for the scale and layout is being sought as part of this application, so further clarification should be provided at this stage on how the proposed floor plans (particularly the ground floor plan) could accommodate a potential plant room with a heat exchanger. The only subsequent information

# Agenda Item 6

provided by the applicant confirms the willingness to enter into an agreement to be party to the Council's district heating scheme or to use solar panels.

- 5.59 Whilst, to some extent, carbon and energy issues could be conditioned, the application provides very little reassurance that a sustainability strategy is in place. The application's floor plans do not show how the development would accommodate a potential plant room with a heat exchanger to respond to Policy ENV7. Overall, there is a general lack of clarity with the proposal and uncertainty over whether the building as designed is policy compliant. It is also unclear if the lack of detail would impact on the design and appearance of the building (and any roof plant or additions to the elevations) pipes / vents, or solar panels etc, all of these matters need to be assessed at this outline application stage as they are not reserved matters.
- 5.60 Overall, it has not been demonstrated to the satisfaction of the Local Planning Authority how sustainability and district energy network issues are proposed to be met in the design of the building and its construction. The proposal would therefore be contrary to Policies ENV6 and ENV7 of the Crawley Borough Local Plan 2015-2030, the Planning and Climate Change SPD and the relevant paragraphs of the NPPF.

## Contaminated Land Issues

- 5.61 The Council's Contaminated Land Officer was consulted on this application and commented that the site has been identified as potentially contaminated due to the previous use of the land. The site and surroundings have been used as unspecified factories or works, printers and garages. This issue could be dealt by condition, as recommended by the officer, if the proposal was otherwise acceptable.

## Housing, Housing Mix, Provision of Affordable and Low Cost Housing

### *Housing*

- 5.62 Local Plan Policies H1 (Housing Provision), H2 (Key Housing Sites), H3 (Future Housing Mix) and H4 (Affordable and Low Cost Housing) are relevant to this proposal from a housing perspective. The Forward Planning Team was consulted and provided the following comments:

*'This site forms part of '1-7 Pegler Way', which is a residential 'Broad Location' within the Town Centre identified in the Local Plan Housing Trajectory (the Town Centre Broad Locations are also referred to collectively in Local Plan Policy H2). This lends support to the principle of residential development in this location.*

*The Housing Trajectory identifies the 'Broad Location' site as being indicatively capable of delivering 20 dwellings within years 6-15 of the Local Plan, thereby making a contribution to the overall housing requirement of 5,100 dwellings for the Local Plan period which is set out in Policy H1.*

*In terms of the dwelling quantum the proposed 24 units exceeds the 20 units for '1-7 Pegler Way' identified in the Housing Trajectory by 4 units, providing an additional windfall. In weighing this additional provision as a consideration, however, it is to be noted that the council's latest Housing Trajectory (published with the Authority Monitoring Report for 2016/17) anticipates that housing delivery over the period 2017-30 will exceed the Local Plan minimum requirement by 736 units, which, combined with the provision made in the Horsham District Planning Framework and Mid Sussex District Plan to meet unmet need arising from Crawley, would be sufficient to meet Crawley's objectively assessed need as identified in the examination of the Crawley Borough Local Plan.'*

- 5.63 Taking into account the levels of delivery within the borough and the commitment of the neighbouring Local Plans, any additional proposals for residential development would be beyond the identified housing needs, and as such should be considered in light of the full range of Local Plan policies.

# Agenda Item 6

## *Housing Mix*

- 5.64 In respect of housing mix, it is noted that the proposed accommodation mix of 10 x 1 bedroom and 14 x 2 bedroom flats is not compliant with policy H3 which seeks a mix of dwelling types and sizes based on evidence in the Strategic Housing Market Assessment. Based on the evidence in this document, there should be a greater mix of larger units and 3 bedroom dwellings within this proposed development.
- 5.65 Policy H3 accepts that the appropriate mix of house types will depend upon the size and characteristics of the site and the viability of the scheme. The policy requires that the accommodation mix of new residential schemes should reflect the latest evidence of housing need and this information should be supplied in support of any application along with justification for any deviation from recommended housing mix. The applicants have provided no justification for the accommodation mix proposed and in the absence of this evidence, it is not considered that the proposal would meet the requirements of policy H3 and addressed Crawley's local housing need.

## *Provision of Affordable and Low Cost Housing*

- 5.66 Policy H4 requires the provision of 40% affordable housing and 10% low cost housing on all residential sites. The applicant submitted an Affordable Housing Statement and the proposal would meet the overall 40% affordable housing requirement, as well as the 70%/30% split between affordable/social rent and intermediate tenures. However, this statement does not make reference to the 'low cost' requirement by Policy H4. The agent was made aware of this requirement and responded that: *'Our client will be guided by CBC on the provision of affordable and low cost housing, and will meet 40% affordable and 10% low cost.'* The application is therefore considered to comply with Local Plan Policy H4 subject to a S106 agreement if the proposal was otherwise acceptable. However, no s106 agreement is in place to address this issue.

## Provision of Infrastructure Contributions

- 5.67 Policy IN1 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will seek to implement a Community Infrastructure Levy (CIL). The Crawley CIL Charging Schedule is in effect from 17 August 2016 and is relevant to this application for new residential units. The charge for residential within the boroughwide zone is £100 per sqm subject to indexation. Should planning permission be granted, an informative can be attached to the decision notice to inform that this development constitutes Community Infrastructure Levy 'CIL' liable development which is a mandatory financial charge on development.
- 5.68 The proposal would involve the creation of 24 new residential units. 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. As set out in the Green Infrastructure SPD, 24 new trees would need to be provided on site or as payment in lieu (£700 per tree) of this provision. The applicant has confirmed a willingness to *"enter into a S106 agreement for a financial contribution to supplemental planting within the Town Centre."* A legal agreement would be required to secure the £16,800 (£700 x 24 units) tree mitigation contribution and would have been pursued if the application was considered otherwise acceptable.
- 5.69 There is also a requirement for open space mitigation as the site would not provide open space for future residents. Policies IN1 and ENV5 also specifically apply to open space and as no open space provision is made on site, the impacts off-site need to be considered on a site by site basis. The proposal would trigger contributions of £11,575 towards open space mitigation (comprising £5,950 (or 35sqm on site) children's/youth play at Memorial Gardens, West Green Park, or another site identified in close proximity to the site, £3,375 (or 225sqm on site) for Amenity Green Space at Memorial Gardens, West Green Park or other nearby sites and £2,250 (75sqm on site) for allotments which could be directed towards enhancing provision at West Green allotment site).
- 5.70 The applicant's Open Space Assessment raises matters such as growing vegetable on balconies and using terraces as play spaces. No detailed plans or information has been provided though and

# Agenda Item 6

it is not considered that open space issues have been satisfactorily addressed in accordance with policy. The Countryside & Open Space Officer commented that as the quantity required for new provision of play space and amenity green space falls below a meaningful sized space on-site, and in line with paragraph 4.13 of the Green Infrastructure SPD, it would be anticipated in this case a financial contribution for off-site improvements would be preferable. In relation to allotments, further information would need to be provided should the scheme wish to provide this on-site. No S106 agreement is in place to address any of these open space concerns.

## **CONCLUSIONS:-**

- 6.1 The principle of residential development is acceptable and the proposal would provide 24 new residential flats to help meet Crawley's housing needs. However, the proposal, by reason of its prominent siting, size, massing, layout, building footprint and poor design on a constrained site, and its poor relationship with the adjoining sites, would constitute overdevelopment resulting in a cramped form of development which would be out of keeping with, and harmful to, the visual amenities and character of the area. The development would unduly restrict the development potential of adjoining land to the north and south. The proposed development also fails to address the significance of the Crawley's designated and non-designated heritage assets in the vicinity of and within the site.
- 6.2 In addition, the proposal fails to safeguard the amenity of neighbouring occupiers and the building would result in overlooking, loss of privacy, loss of outlook, overbearing presence and overdominance. Furthermore, the applicant has failed to demonstrate that the proposed development would create a satisfactory residential environment in noise terms and that appropriate mitigation, through careful planning, layout and design, would be undertaken to make the development acceptable. The proposed development by virtue of its layout, siting and design would result in an unsatisfactory environment for future residents due to poor outlook, inadequate communal amenity space, and harmful overlooking between the flats of the same development.
- 6.3 The car parking arrangements are considered acceptable in this central location. However, the proposed development would not meet its operational requirements with regard to the storage and collection of waste/recycling and cycle parking.
- 6.4 Insufficient detail on the approach to sustainability, carbon emissions and addressing climate change has been submitted. It has not been demonstrated that connection to a future district energy network has been considered in any detail.
- 6.5 There is an identified need for larger units and it has therefore not been demonstrated to the satisfaction of the Local Planning Authority how the Policy H3 objectives for the proposed housing mix are proposed to be met. No S106 agreement has been completed to secure identified affordable housing and infrastructure requirements.
- 6.6 Based on all the above concerns, officers recommend refusal of outline planning permission.

## **RECOMMENDATION RE: CR/2018/0546/OUT**

**REFUSE** for the following reasons:

1. The proposed development, by reason of its prominent siting, size, massing, layout, building footprint and poor design on a constrained site, would constitute an unacceptable and cramped form of development. It would be out of keeping with and harmful to the visual amenities and character of the surrounding area. The proposal is considered to be an overdevelopment of the site and would conflict with Policies CH2, CH3 and H1 of the Crawley Borough Local Plan 2015-2030, the advice contained within the Urban Design Supplementary Planning Document, the Town Centre Supplementary Planning Document and the relevant paragraphs of the National Planning Policy Framework (2019).
2. The proposal, by reason of its bulk, massing and height, would severely restrict and prejudice the development potential of adjoining land to the north and south contrary to Policy CH4 of the Crawley

# Agenda Item 6

Borough Local Plan 2015-2030, the Urban Design Supplementary Planning Document (2016) and the relevant paragraphs of the National Planning Policy Framework (2019).

3. The proposed development fails to address the significance of Crawley's heritage assets, including the High Street Conservation Area, locally listed buildings and archaeology, or to make any assessment of its impact upon them. The proposal fails to accord with Policies CH12, CH13 and CH16 of the Crawley Borough Local Plan 2015-2030, the Urban Design Supplementary Planning Document (2016), and the relevant paragraphs of the National Planning Policy Framework (2019).
4. The proposed development, by reason of its proximity, layout, massing and fenestration, would result in an adverse impact upon the amenities enjoyed by the future residential occupants of Shaw House by way of overlooking, loss of privacy, overbearing presence and dominance. The proposal would be contrary to Policy CH3 of the Crawley Borough Local Plan 2015-2030, the Urban Design Supplementary Planning Document (2016) and the relevant paragraphs of the National Planning Policy Framework (2019).
5. The proposed development, by virtue of its layout, siting and design, would result in an unsatisfactory residential environment due to poor outlook, inadequate communal amenity space and harmful overlooking between the flats within the development. The proposal is therefore contrary to Policy CH3 of the Crawley Borough Local Plan (2015-2030), the Urban Design Supplementary Planning Document (2016) and the relevant paragraphs of the National Planning Policy Framework (2019).
6. It has not been demonstrate that the proposed development would create a satisfactory residential environment in noise terms or that careful planning, layout and design work has been undertaken to make the development acceptable and to successfully mitigate noise. The proposal is therefore contrary to Policies ENV11 and CH3 of the Crawley Borough Local Plan (2015-2030), the Urban Design Supplementary Planning Document (2016), the relevant paragraphs of the National Planning Policy Framework (2019) and the Noise Policy Statement for England.
7. The proposed development would not meet its operational requirements with regard to the storage and collection of refuse/recycling. The proposed cycle parking would not provide adequate provision to promote sustainable modes of transport and, as such, the cycle parking arrangements are not considered satisfactory. The proposal would therefore not accord with Policies CH3 and IN4 of the Crawley Borough Local Plan (2015-2030), the guidance set out in the Urban Design Supplementary Planning Document (2016), and the relevant paragraphs of the National Planning Policy Framework (2019).
8. The proposed development fails to adequately address how the development plan sustainability objectives are proposed to be met in the design of the building and its construction and has not fully explored the options for connection to a future district energy network. It is therefore contrary to policies ENV6 and ENV7 of the Crawley Borough Local Plan 2015-2030 and the advice in the Planning and Climate Change SPD.
9. An agreement is not in place to secure the appropriate affordable and low cost housing provision and the infrastructure provision for open space and tree planting required to support the development. The proposed development is therefore contrary to Policies H4, CH6, ENV5 and IN1 of the Crawley Borough Local Plan 2015-2030, the Affordable Housing Supplementary Planning Document (2017), the Green Infrastructure Supplementary Planning Document (2016) and the relevant paragraphs of the National Planning Policy Framework (2019).
10. The proposed development fails to demonstrate that it has provided an appropriate housing mix to meet Crawley's housing needs in line with the evidence set out in the Strategic Housing Market Assessment. The proposal is therefore contrary to policy H3 in the Crawley Borough Local Plan 2015-2030 and the guidance in the Affordable Housing SPD.

# Agenda Item 6

## 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 agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Informing the applicant of identified issues that are so fundamental that it has not been possible to negotiate a satisfactory way forward due to the harm that would be caused.
- Providing advice on the refusal of the application to solutions that would provide a satisfactory way forward in any subsequently submitted application.

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

# Agenda Item 6

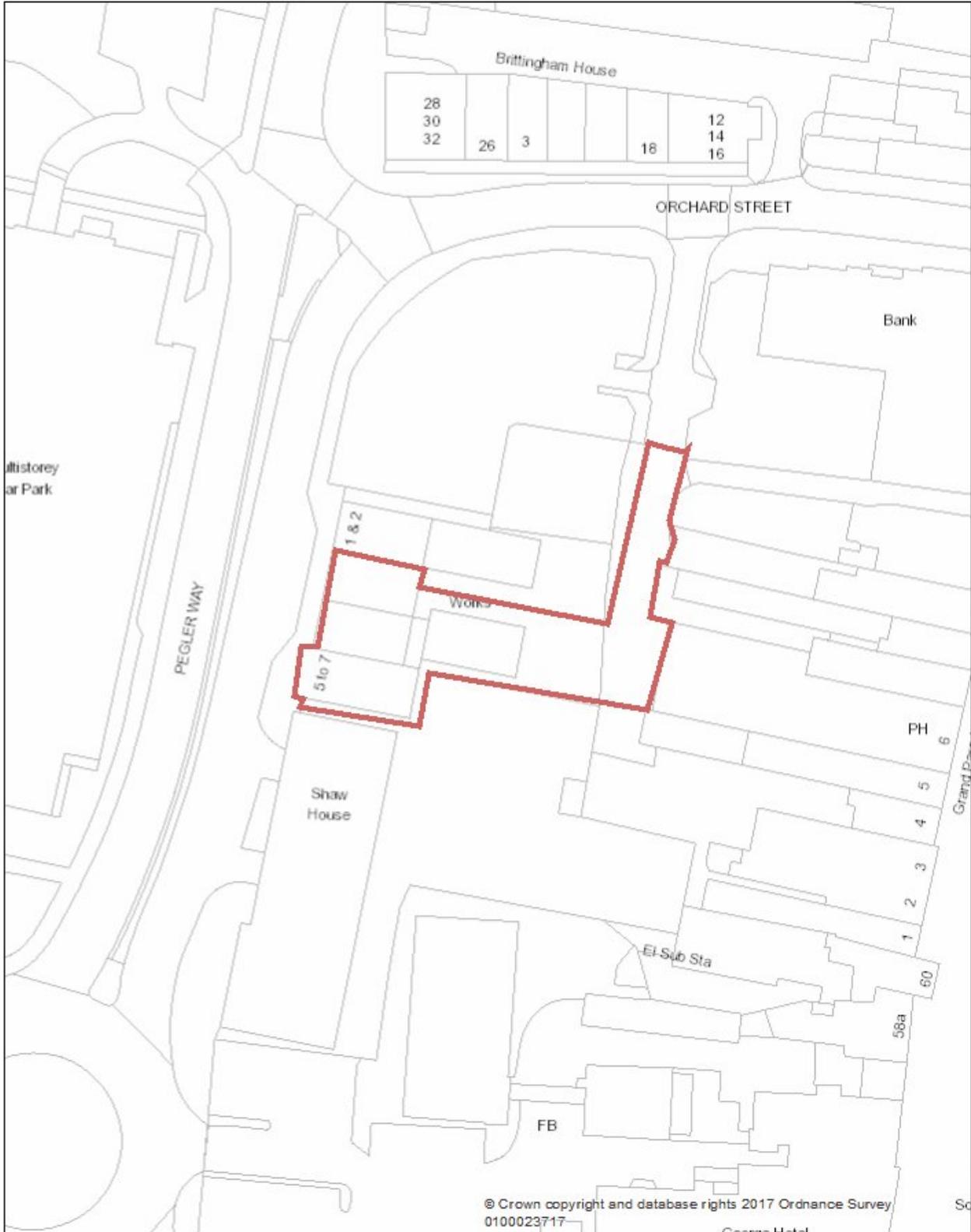


## ArcGIS Web Map



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

1:750



This page is intentionally left blank

# Agenda Item 7

**CRAWLEY BOROUGH COUNCIL**  
PLANNING COMMITTEE - 12 March 2019  
REPORT NO: PES/291(c)

---

**REFERENCE NO: CR/2018/0693/FUL**

**LOCATION:** [R/O 5 - 9 SOUTHGATE ROAD, SOUTHGATE, CRAWLEY](#)  
**WARD:** Southgate  
**PROPOSAL:** CREATION OF A NEW ACCESS ROAD BETWEEN NUMBERS 5 & 7 SOUTHGATE ROAD AND CONSTRUCTION OF THREE DETACHED DWELLINGS ON LAND TO THE REAR OF 5 - 9 SOUTHGATE ROAD (AMENDED DESCRIPTION AND AMENDED PLANS SUBMITTED)

**TARGET DECISION DATE:** 4 December 2018

**CASE OFFICER:** Mr H. Walke

**APPLICANTS NAME:** Mr David Magee

**AGENTS NAME:** Mr David Magee

---

## **PLANS & DRAWINGS CONSIDERED:**

R181/P02, Block Plan  
R181/P07, Massing Plan  
R181/P08, Drainage Scheme  
R181/P05, Proposed Elevations  
R181/P06, Existing & Proposed Floor Plans No 5  
R181/P04, Proposed Floor Plans  
181/P01, Site Location Plan  
R181/P08, Highways Plan  
R181/P03, Site Layout

## **CONSULTEE NOTIFICATIONS & RESPONSES:-**

- |    |                                      |  |
|----|--------------------------------------|--|
| 1. | GAL Aerodrome Safeguarding           | No objection subject to cranes informative |
| 2. | WSCC Highways                        | No objection subject to condition          |
| 3. | National Air Traffic Services (NATS) | No safeguarding objection                  |
| 4. | Sussex Building Control Partnership  | No response received                       |

## **NEIGHBOUR NOTIFICATIONS:-**

Consultations on the original application were carried out from 10-31 October 2018. Following revisions to the proposal, including a reduction from six houses to three, reconsultations were carried out from 7-21 February 2019. The following properties were consulted on both occasions:

3 - 13 (odds) Southgate Road; 1 to 24 Godolphin Court; 1 Oakhaven; and 16C and 17 Stonefield Close.

## **RESPONSES RECEIVED:-**

Following the re-consultation on the revised scheme, two responses were received from local residents. The response from the adjoining house to the east states that, whilst the reduction to three houses is an improvement, the other concerns previously raised still stand. These outstanding concerns relate to:

# Agenda Item 7

1. Negative impact on side ground and first floor windows of No. 16C, due to proximity of two storey house, causing loss of light and claustrophobic impact on outlook;
2. Access road would cause noise and disturbance from vehicle movements and car lights. It would also cause a loss of security and, if there are streetlights, light pollution; and
3. The proposal could damage the roots of rhododendron shrubs along the side boundary.

The other reconsultation response stated that the revision was more realistic in terms of numbers of houses and that they supported it.

Six responses were received to the original consultation process. These raised the following concerns:

- High density of proposal would be overdevelopment with too many houses. House types are out of keeping with the area, which is quiet and contains large detached houses with substantial gardens/parking areas. The site borders a conservation area.
- Increased traffic and on-street parking demands. Too many cars, creating a car parking area in back gardens with associated exhaust fumes, pollution, noise, lights and disturbance. Manoeuvring vehicles would be difficult.
- Overlooking, loss of privacy and security to adjoining houses. Loss of light and outlook to the existing side windows of No. 16C Stonefield Close.
- Loss of trees, shrubs and harm to wildlife. Urban green space is critical for wildlife.
- Disturbance from building noise and pollution and related asthma problems.

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

The application was called in by Councillor Pickett and objections were received from six neighbouring properties.

## **THE APPLICATION SITE:-**

- 1.1 The application site is formed by the northern parts of the rear gardens of Nos. 5-9 Southgate Road. Nos. 5-9 are sizable detached houses with existing rear gardens of around 45 metres in length. The gardens are predominantly grassed, although there are a number of mature trees and boundary hedging. No. 5 also has a number of timber outbuildings along its northern rear boundary. Each existing house has a car parking area within its front garden.
- 1.2 Southgate Road is characterised by large two storey detached houses of traditional, although varying, designs. Nos. 5 and 9 are brick built, whilst No. 7 incorporates first floor tile hanging. The road is fairly narrow and covered by on-street parking restrictions. Front boundaries are generally formed by low brick walls and hedging.
- 1.3 Godolphin Court, a three storey block of flats fronting Brighton Road, lies to the north of the application site. The rear car park for the flats adjoins the northern boundary of the site. To the north-east is Stonefield Close, which includes three detached dwellings immediately to the east of the application site in the former rear gardens of Nos. 11-15 Southgate Road. To the west of the site are the rear gardens of Nos. 1 and 3 Southgate Road, which are of similar length to those of Nos. 5-9 and contain a number of mature trees.
- 1.4 Malthouse Road conservation area lies nearby to the south and east, but does not cover any part of Southgate Road. The site lies within the Long Distance View from Tilgate Park defined in the Local Plan.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 The application was originally submitted for six semi-detached houses to the rear of Nos. 5-9 Southgate Road. The development would have had a vehicular access between Nos. 5 and 7 Southgate Road.
- 2.2 Following negotiations by officers and consideration of objections raised by local residents, the scheme has been amended. Planning permission is now sought for the erection of three detached

# Agenda Item 7

houses within the original application site. The proposed vehicular access remains in its previously proposed position between Nos. 5 and 7 Southgate Road.

- 2.3 The three proposed four bedroom houses would have matching designs. They would be two storey with an attached single garage to the side and would have hipped roofs with a front gable. They would be brick built with some tile hanging at first floor level. Each house would have two car parking spaces within its front garden. The vehicular access would run between Nos. 5 and 7, with a general width of 4.2 metres narrowing to 3 metres between the two existing houses. The parking areas in front of Nos. 5 and 7 would also be served by the new access.
- 2.4 In support of the application, in addition to the drawings, the applicant has submitted a Design and Access Statement, Sustainability Statement and Arboricultural Implications Report.

## **PLANNING HISTORY:-**

- 3.1 There have been many previous planning applications on land to the rear of Nos. 1-19 Southgate Road. Most are dated and of little relevance. However, the following four applications relate to similar proposals to the current application and are for houses that have subsequently been constructed:

### No. 11 Southgate Road

CR/2005/0199/FUL - Erection of chalet style bungalow in rear garden. Approved 17/05/05. This property (No. 16C Stonefield Close) has been completed.

### No. 13 Southgate Road

CR/2005/0202/FUL – Erection of chalet style bungalow in rear garden. Approved 27/04/05. This property (No. 16B Stonefield Close) has been completed.

### No. 15 Southgate Road

CR/649/1969 – Erection of one three bedroom bungalow and garage at rear. Approved 11/12/1969. This property (No. 16A Stonefield Close) has been completed.

### No. 17 Southgate Road

CR/2005/0885/FUL – Erection of single detached house and attached double garage. Approved 17/01/06. This property (No. 81A Malthouse Road) has been completed.

- 3.2 Although very dated, in terms of the current application site, the following applications were previously refused:

### 1, 3, 5 and 7 Southgate Road

CR/152/88 – Erection of 33 two bedroom flats. Refused 29/02/88.

### No. 5 Southgate Road

CR/590/1972 – Erection of bungalow. Refused 18/12/72.

CR/71/67 – Erection of bungalow. Refused 13/02/67.

## **PLANNING POLICY:-**

### National Planning Policy Framework (2018):

- 4.1 The National Planning Policy Framework (NPPF) published in 2018 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
  - Section 2 – 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

# Agenda Item 7

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 5 – Delivering a sufficient supply of homes. To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Section 9 – Promoting sustainable transport – this section states that opportunities to promote walking, cycling and public transport use should be pursued.
- Section 11 – Making effective use of land – 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.

## Crawley 2030: The Crawley Borough Local Plan 2015-2030

4.2 The following Local Plan policies are relevant to this 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 Principle) states that the neighbourhood principle should be 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) states that all proposals for development in Crawley will be required to respond to and reinforce locally distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly define 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) states that development proposals must use land efficiently.
- 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 CH8 (Important Views) identifies key views across the town which should be protected from erosion or direct adverse impact due to development proposals.
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.
- 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.

# Agenda Item 7

- Policy H4 (Affordable and Low Cost Housing) states that 40% affordable housing will be required from all residential developments. For sites of 5 dwellings or less, a commuted sum towards off-site affordable housing provision will be sought.
- Policy ENV1 (Green Infrastructure) seeks to conserve and enhance Crawley's multi-functional green infrastructure network including private gardens.
- Policy ENV2 (Biodiversity) requires proposals to encourage biodiversity and enhance features of nature conservation value within and around development.
- 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 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

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

- Planning and Climate Change (October 2016) – 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 (October 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 also sets out the car and cycle parking and external private amenity space standards for the Borough.
- Green Infrastructure (October 2016) – Sets out the Council's approach to trees, open space and biodiversity. It 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 unless it can be accommodated on site.
- Developer Contributions Guidance Note (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.
- Affordable Housing (November 2017) – Sets out in greater detail the Council's approach to affordable housing to assist with the implementation of policies H3 and H4 of the Local Plan.

## **PLANNING CONSIDERATIONS:-**

5.1 The main issues for consideration are:

- Principle of development
- Design and visual appearance
- Standard of accommodation

# Agenda Item 7

- Residential amenity
- Transport and parking
- Trees and ecology
- Sustainability
- Other material considerations, including flooding and drainage issues.

## Principle of development

- 5.2 The existing and proposed uses of the site are residential, as is the primary use in the surrounding area. The site lies a short distance away from Crawley town centre and is within the built-up area boundary.
- 5.3 The site currently forms part of the rear gardens of three existing houses. The proposal would provide three additional houses within the same wider site, offering a small benefit in terms of housing delivery and helping to meet the town's needs. The proposal represents an intensification of existing residential use in a sustainable location within the built up area and, in principle, it is considered acceptable in planning policy terms.

## Layout, design and visual appearance

- 5.4 The layout and design of the scheme has been significantly amended since the application was originally submitted. The revised layout now incorporates three detached, rather than the six semi-detached new houses originally proposed. This layout relates better to the existing layout of houses along Southgate Road, with one new house proposed to the rear of each existing house. It also mirrors the approach taken with the existing infill developments to the rear of Nos. 11-15 Southgate Road, each of which sited one new house within each rear garden. Whilst the proposal would involve significant reductions in the spacious sizes of the existing rear gardens, it is not considered that refusal could be sustained in character terms on this basis due to the existing character of development in the area. The proposal would introduce a new vehicular access to serve the three new houses and Nos. 5 and 7. This would replace the two existing accesses serving Nos. 5 and 7 and, in visual terms, not result in significant change to the Southgate Road streetscene. Generally, in terms of layout, the proposal is considered acceptable and in keeping with the character of the area.
- 5.5 The proposed houses would be located to the rear of Nos. 5-9. They would have traditional designs, with hipped tiled roofs and brick built elevations with some tile hanging. Due to the location to the rear of Nos. 5-9, they would not be clearly visible in the Southgate Road streetscene. Their design and appearance would sit comfortably with the size and designs of the existing houses along Southgate Road.
- 5.6 To the north, the houses would be visible from the rear car park of Goldolphin Court and in very limited views from the end of Stonefield Close. There are no significant concerns in terms of public visibility from the north.
- 5.7 The site is within the Long distance view from Tilgate Park, however the proposal is for 2 storey houses in an area of similar size buildings and the proposal will not therefore adversely affect this view.
- 5.8 Overall, the proposed development is considered an acceptable layout and design for the site which takes account of its surroundings and the traditional design of houses along Southgate Road.

## Standard of accommodation

- 5.9 Policy CH5 of the Crawley Borough Local Plan states that all dwellings must create a safe, comfortable and sustainable living environment, and also sets out the minimum sizes for dwellings which are based on the Nationally Described Space Standards. The proposed houses would be four bedroom eight person dwellings with a floorspace of around 156 square metres. They would exceed the minimum internal space standards of 124 square metres per house and would be provided with an acceptable level of outlook would therefore accord with Policy CH5 of the Local Plan.

# Agenda Item 7

- 5.10 The Urban Design SPD seeks 100 square metres of useable external private amenity space for each of the proposed houses. The smallest proposed rear garden, for the central house, would have an useable area of 145 square metres. The three houses would all significantly exceed the required private amenity space requirements and are considered acceptable in terms of provision for future occupants.
- 5.11 The rear gardens of Nos. 5-9 Southgate Road would clearly be reduced in size to accommodate the proposed development. However, each would retain a private rear garden in excess of 185 square metres. They would also retain their front garden areas, except for the space taken up by the proposed vehicular access between Nos. 5 and 7.
- 5.12 The scheme has sufficient space to accommodate secure covered cycle parking and refuse storage within the rear garden areas. Each house would have dedicated pedestrian access to the rear to facilitate use of these facilities and further details can be secured by condition.
- 5.13 Overall, the proposed houses would create acceptable living accommodation for future residents and retain acceptable amenity space for the existing three houses.

## Residential Amenity

- 5.14 The windows of the proposed houses would face north and south, with no windows proposed in any side elevations. The front windows of the proposed houses would face the rear elevations of Nos. 5-9. The minimum distance between them (to the rear of the ground floor conservatory of No. 5) is 26 metres. The minimum distance between first floor windows is 30 metres. The distances between the existing and proposed houses exceed the Urban Design SPD's minimum back to back distances and it is not considered that significant overlooking would result.
- 5.15 No. 17 Stonefield Close is at right angles to the proposed house at the rear of No. 9. It has a rear conservatory and its rear garden extends along the application site's northern boundary. The proposed house on Plot 3 would have a rear garden of 10 metres in depth. Angled views would be possible from the proposed house towards the rear of No. 17 and its conservatory. Some views from the upstairs bedrooms into the rear garden of No. 17 may also be possible, although they would be partially screened by the fence. The conservatory would be 15 metres away and, with the timber boundary fence providing some screening, it is considered that any overlooking and loss of privacy would be limited.
- 5.16 No. 16C Stonefield Close has ground and first floor windows facing towards the rear garden of No. 9 Southgate Road. An objection has been raised regarding the impact of the proposal upon these windows, which light a living room, study, two bedrooms and a bathroom. Its ground floor living room has other windows facing the south and east. The study has just one window facing No. 9. One of the side facing bedroom windows is obscure glazed, as required by the relevant planning permission. The other bedroom has another rooflight facing east. The bathroom window is obscure glazed. The proposed house at the rear of No. 9 would be 4.5 metres (single storey garage side wall) from No. 16C at ground floor level. The main two storey side elevation would be 7.5 metres away from No. 16C. The proposed new house would cause some loss of outlook and light to these windows. However, the proposed relationship is fairly typical of urban areas, albeit that the front and rear of the two properties would be reversed. Although the proposal would have some impact on the side windows, the typical urban nature of the proposed relationship, the existing obscure glazing and alternative windows for light and outlook and, at ground floor level, the existing timber boundary fence all serve to mitigate the impact. It is not considered that refusal is justified on the grounds of impact upon No. 16C.
- 5.17 Angled views would be possible between the proposed houses and the rear gardens/windows of Nos. 1, 3, 11 and 13 Southgate Road. The distances between properties would be even greater though and significantly exceed the Urban Design SPD requirement.
- 5.18 To the north, the rear windows of the houses would overlook the Godolphin Court car park. This would cause no loss of amenity and Godolphin Court itself would be over 30 metres away.

# Agenda Item 7

- 5.19 The proposal would introduce vehicle movements along the proposed vehicular access and around the proposed parking areas to serve the dwellings. This could cause some disturbance to adjoining properties through noise, fumes and car lights. The proposal is only for three dwellings though, so the level of vehicle movements would be low. It is not considered that this impact would be significant.
- 5.20 Overall, the proposed houses could cause some adverse impact through overlooking and loss of light to Nos. 16C and 17 Stonefield Close. This impact would be limited though and the relationships are fairly typical of an urban area. No significant harm to other neighbouring properties has been identified and officers do not feel that refusal could be sustained on the grounds of impact upon existing residential amenity.

## Transport and parking

- 5.21 The proposal incorporates two external car parking spaces and a single garage for each proposed house. Existing parking arrangements in the front garden of No. 9 Southgate Road would be unaffected and parking for at least three cars would be available at the front of both No. 5 and No. 7. The Council's car parking standards are 2-3 spaces per dwelling. The existing and proposed houses would all have parking at a level which would meet the Council's standards.
- 5.22 Nos. 5-9 currently each have a dedicated vehicular access. The access to No. 9 would be unaffected by the proposal. The existing separate, but adjoining, accesses to Nos. 5 and 7 would be replaced by a new access to serve Nos. 5 and 7 and the three proposed houses. WSCC Highways has raised no objection to the proposed access. The applicant has also demonstrated that a refuse vehicle would be able to enter and turn within the site and exit in a forward gear.
- 5.23 WSCC Highways has requested a Construction Management Plan and this can be secured by condition.
- 5.24 No objection has been raised by the Local Highway Authority and officers consider that the access and parking arrangements proposed are acceptable.

## Trees and ecology

- 5.25 There are existing trees within the site which, whilst of limited visibility outside the site, do contribute to its character and help to provide some screening to adjoining properties. Council policy requires trees to replace those that would be lost and also one new tree for each proposed house. The gardens are of sufficient size for new tree planting to take place within the site and the Arboricultural Implications Report submitted by the applicant suggest some beech hedging. Fifteen trees of limited size are proposed to be removed. No significant or valuable trees would be lost and it is considered that a landscaping scheme could improve the site's appearance and could also offer screening and improved outlook from neighbouring houses. Subject to tree protection during construction and a condition to ensure implementation of the landscaping scheme, the proposal is considered acceptable in tree terms.

## Sustainability

- 5.26 The applicant has submitted a Sustainability Statement. The Sustainability Officer is satisfied that that the proposal satisfactorily addresses policy ENV6 in energy terms and recommends a condition to secure confirmation on carbon emissions prior to occupation. The applicant is also considering the use of recessed solar PV panels within the roof. The Sustainability Statement indicates that consideration is being given to meeting the 'optional' tighter Building Regulations part G requirement of limiting water consumption to 110 litres per person per day. This can be secured by condition. Overall, the applicant has demonstrated an acceptable approach to sustainability in line with Local Plan policy ENV6.

# Agenda Item 7

## Drainage

5.27 The application site is not within a flood risk area. The applicant's Sustainability Statement demonstrates a commitment to Sustainable Urban Drainage Systems (SUDS) subject to further ground investigation. This is considered acceptable.

## Affordable housing and infrastructure contributions

5.28 Crawley Borough Local Plan Policy H4 states that 40% affordable housing will be required from all residential developments. The policy accepts that on-site provision may not always be achievable on small developments of 5 dwellings or less and, on this basis, the council will accept an off-site financial contribution. The applicant has agreed to make a contribution of £76,440 towards off-site provision of affordable housing in line with the policy. This can be secured through a S106 agreement.

5.29 Policy IN1 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will seek to implement a Community Infrastructure Levy (CIL). The Crawley CIL Charging Schedule is in effect from 17th of August 2016 and is also relevant to this application since the proposal is creating new residential units. The charge will be calculated and a CIL Liability Notice would be issued following a grant of permission.

## **CONCLUSIONS:-**

- 6.1 The proposal would make a small contribution towards meeting Crawley's housing needs and would have an appropriate layout, design and materials to fit comfortably in the Southgate Road area. The houses and gardens would be acceptable in terms of amenity and space standards for future residents, as would the remaining gardens for Nos. 5-9 Southgate Road. The proposal complies with the Council's car parking standards and has a satisfactory vehicular access. The scheme is acceptable in terms of trees, sustainability and drainage. The applicant has agreed to make the required financial contribution towards an off-site provision of affordable housing.
- 6.2 As a result the proposal is considered to accord with the policies and objectives outlined in the Crawley Borough Local Plan (2015-2030), the Supplementary Planning Guidance notes and the NPPF (2018). It is therefore recommended to grant planning permission subject to the conclusion of a Section 106 Agreement to secure a financial contribution towards the provision of off-site affordable housing.

## **RECOMMENDATION RE: CR/2018/0693/FUL**

PERMIT, subject to the completion of a Section 106 agreement to secure a £76,440 contribution towards the off-site provision of affordable housing and 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 above ground development shall be carried out unless and until a schedule of materials and finishes, and samples of such materials and finishes, to be used for external walls and roofs of the development hereby approved have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details.  
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.

# Agenda Item 7

4. Before any work for the implementation of this permission commences, detailed plans and particulars of the land levels and the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority, and the building 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 in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. 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, and boundary treatment.  
REASON: In the interests of amenity and of the environment of the development in accordance with policy CH3 of the Crawley Borough Local Plan 2015 - 2030 and the Green Infrastructure Supplementary Planning Document.
6. The development hereby approved shall be carried out in strict accordance with the recommendations set out in the SJA Trees Arboricultural Implications Report dated January 2019. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence as shown within the Arboricultural Implication Report. Within the areas so fenced off the existing ground level shall be neither 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.  
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy CH7 of the Crawley Borough Local Plan 2015 - 2030.
7. 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 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 in the accordance with policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
8. No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the plans hereby approved. These spaces shall thereafter be retained at all times for their designated use.  
REASON: To provide car parking spaces for the use in accordance with policies CH3 and IN4 of the Crawley Borough Local Plan 2015-2030 and the car parking standards within the Urban Design Supplementary Planning Document.
9. No part of the development shall be first occupied until the access from the site to the public highway has been constructed in accordance with the plans hereby approved. The access and visibility splay shall thereafter be retained at all times for their designated use.  
REASON: In the interests of road safety and to accord with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
10. The residential units hereby approved shall not be occupied until design-stage SAP calculation summaries for the development, detailing a level of environmental performance consistent with the submitted Sustainability Statement, have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of environmental sustainability in accordance with policy ENV6 of the Crawley Borough Local Plan 2015-2030 and the Planning and Climate Change Supplementary Planning Document.
11. The residential units shall not be occupied until details have been submitted to the Local Planning Authority to demonstrate that they shall achieve a water efficiency standard by consuming not more than 110 litres per person per day maximum water consumption.

# Agenda Item 7

REASON: In the interests of tackling water stress in accordance with policy ENV9 of the Crawley Borough Local Plan 2015-2030.

12. 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,
  - 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),
  - details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no windows or other openings shall be formed in the eastern side elevation of the house hereby approved on Plot 3 to the rear of No. 9 Southgate Road or the western side elevation of the house hereby approved on Plot 1 to the rear of No. 5 Southgate Road without the prior permission of the Local Planning Authority on an application in that behalf.
- REASON: To avoid overlooking, loss of privacy and to protect the amenities of adjoining residential properties in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

14. Notwithstanding the provisions of Class A, Class B and Class C, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or Orders amending or revoking the same, no extensions or alterations to the roof shall be carried out without the prior permission of the Local Planning Authority on an application in that behalf.
- REASON: To avoid overlooking, loss of privacy and to protect the amenities of adjoining residential properties in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

## 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:

- 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.

## INFORMATIVES

1. 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).

# Agenda Item 7

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/>).

2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. 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 the 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 employ at all times the 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.

4. 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:

- 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.

# Agenda Item 7



## ArcGIS Web Map

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



1:1,000



This page is intentionally left blank

# Agenda Item 8

**CRAWLEY BOROUGH COUNCIL**  
PLANNING COMMITTEE - 12 March 2019  
REPORT NO: PES/291(d)

---

**REFERENCE NO: CR/2018/0861/TPO**

**LOCATION:** [ROADSIDE OF LEICESTER COURT, NEWBURY ROAD, POUND HILL, CRAWLEY](#)  
**WARD:** Pound Hill South and Worth  
**PROPOSAL:** G1 SYCAMORES- REMOVE TREES (TAG NOS. 0867,0868, 0865, 0866, 0870, 0871, 0872, 0878) TO ALLOW REMAINING TREES TO DEVELOP FULLY.

LIFT CROWNS OF REMAINING TREES TO GIVE 2.5M OVER GROUND

**TARGET DECISION DATE:** 14 January 2019

**CASE OFFICER:** Mr R. Spurrell

**APPLICANTS NAME:** Crawley Borough Council

**AGENTS NAME:**

---

**PUBLICITY:**

A site notice was displayed - no responses have been received in relation to the application.

**REASON FOR REPORTING TO COMMITTEE:**

The application is for works to trees managed by Crawley Borough Council.

**THE APPLICATION SITE:**

The trees the subject of this application are located on the southern boundary of Leicester Court and provide a landscaped screen to Turners Hill Road. They are within a belt of mature sycamore approximately 20 stems in total planted 2 - 3 stems thick which provide a screen between the road and flats in Leicester Court.

**PLANNING HISTORY:-**

CR/2001/0446/TPO – FELL CYPRESS (T2)

CR/2001/0299/TPO – REMOVAL OF SINGLE BRANCH EXTENDING ACROSS THE OPEN AREA TOWARDS REAR OF LEICESTER COURT FROM SYCAMORE WITHIN G1. GENERAL MANAGEMENT OF TREES WITHIN G1 AND TREES T1 & T2

**PLANNING POLICY:-**

TPO REF: 16.08.35, TPO NUM: G1

This application must be considered in the context of Part VIII of the Town and Country Planning Act 1990 and The Town and Country Planning (Tree Preservation) (England) Regulation 2012.

# Agenda Item 8

National Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

The Council's Green Infrastructure Supplementary Planning Document (2016) is a non-statutory document.

## **PLANNING CONSIDERATIONS:-**

The determining issues in this application are the effect of the proposal on the health, character and appearance of the trees and the level of amenity that they provide within the surrounding area.

G1 SYCAMORES- REMOVE TREES (TAG NOS. 0867, 0868, 0865, 0866, 0870, 0871, 0872, 0878) TO ALLOW REMAINING TREES TO DEVELOP FULLY.

LIFT CROWNS OF REMAINING TREES TO GIVE 2.5M OVER GROUND

Contribution to public visual amenity	Good – the trees form a screen between Leicester Court and Turners Hill Road.
Estimated remaining contribution	40-100 yrs
Are works justified?	Yes

The trees are located within the communal area of Leicester Court along the boundary with Turners Hill Road. The trees have been densely planted several rows deep and have now grown to a reasonable size and height, as such they are cutting out a considerable amount of light from the adjacent flats and many of the trees have developed a lean towards the building in order to compete for light etc. The trees to be removed are those nearest the flats and those that are in somewhat compromised condition, the works will not have a significant effect on amenity as there will still be sufficient screening provided from the remaining trees however the works should allow more light into the flats. It is not considered necessary or appropriate to replant as the remaining specimens will have space to grow.

The crown lifting is required in order to facilitate the replacement of the boundary fence which is in very poor condition.

## **RECOMMENDATION RE: CR/2018/0861/TPO**

CONSENT - Subject to the following condition(s):-

1. This consent is valid for a period of two years from the date of this notice and shall only be carried out once.  
REASON: To enable the Local Planning Authority to control the works in the interests of good tree management in accordance with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
2. All works should be carried out in accordance with BS3998: 2010 'Tree Work Recommendations'.  
REASON: In the interests of visual amenity and to ensure the continuing health of the tree(s) in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.

# Agenda Item 8

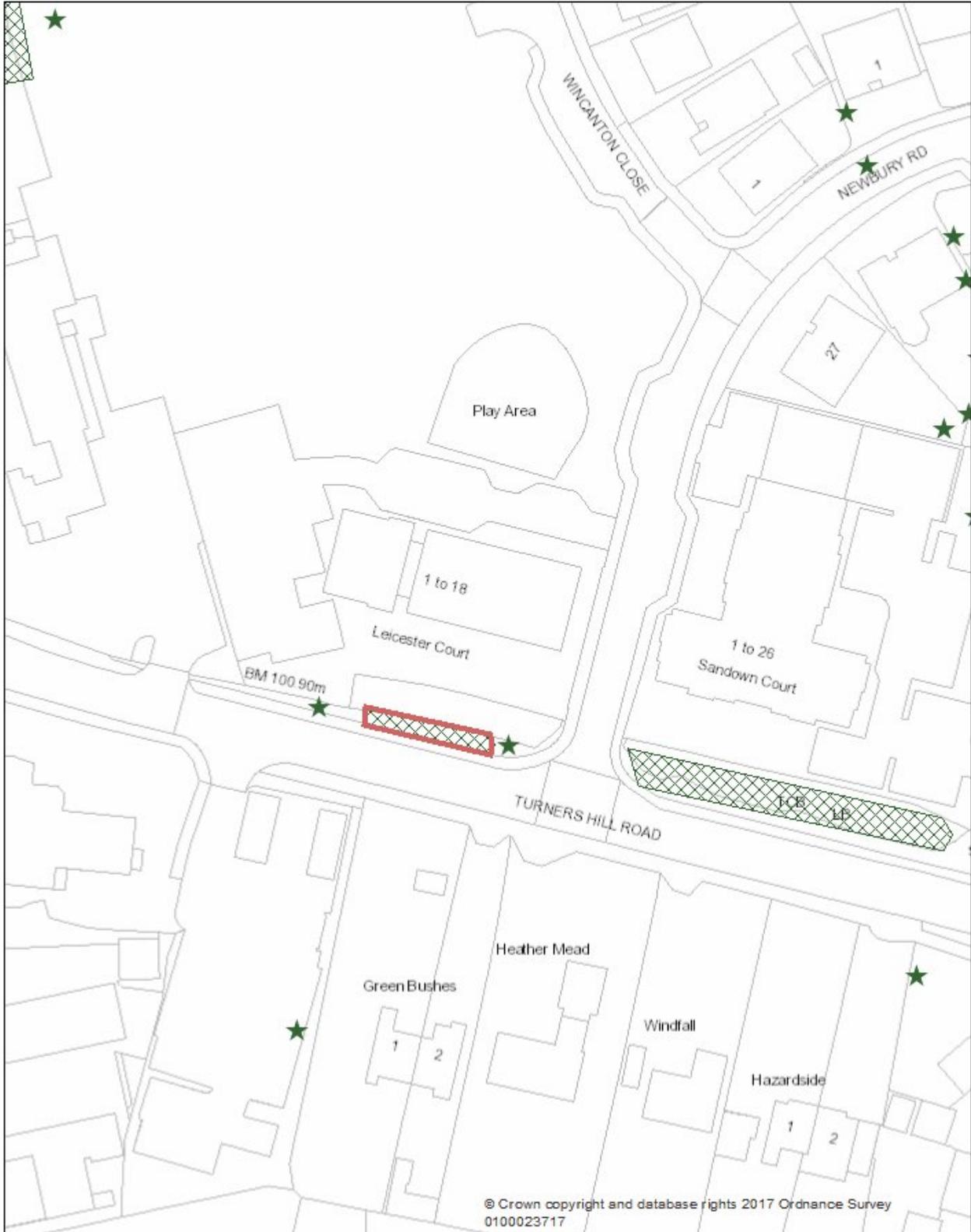


## ArcGIS Web Map

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



1:750



© Crown copyright and database rights 2017 Ordnance Survey  
0100023717

This page is intentionally left blank