

**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-STOREY 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

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**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.   |

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

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)**

**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

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*

*(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,*

*(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.

- 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

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:

- 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

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

- 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

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.

- 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

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

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

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

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.

- 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

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.

## *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

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

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.

## 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.



# ArcGIS Web Map

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