

REFERENCE NO: CR/2017/0880/FUL

LOCATION: [FIRST CHOICE HOUSE, LONDON ROAD, NORTHGATE, CRAWLEY](#)
WARD: Northgate
PROPOSAL: CONVERSION OF GROUND FLOOR ASSOCIATED STORAGE INTO 12 FLATS

TARGET DECISION DATE: 5 April 2018

CASE OFFICER: Mr H. Walke

APPLICANTS NAME: Boston Meadows Property Company Ltd
AGENTS NAME: SHW

PLANS & DRAWINGS CONSIDERED:

5017-001, Site Location & Block Plans
5017-002, Existing Ground Floor Plan
5017-003, Existing West Elevation
5017-004, Existing South Elevation
5017-005, Existing East Elevation
5017-006, Existing North Elevation
5017-007, Proposed Ground Floor Plan
5017-008, Proposed West Elevation
5017-009, Proposed South Elevation
5017-010, Proposed East Elevation
5017-011, Proposed North Elevation
5017-012, Existing Basement Floor Plan
30-EX-16, Existing 2nd - 5th Floor Plans
LLD1223-ARB-DWG-001, Tree Constraints Plan
LLD1223-ARB-D02-TRPP, Tree Retention & Protection Plan
LLD1223-LAN-DWG-200, Soft Landscaping Layout
LLD1223-LAN-DWG-201, Detailed Planting Plan
LLD1223-LAN-DWG-202, Detailed Planting Plan
30-GA-01, Proposed Basement/Parking Layout Plan
LLD1223-ARB-DWG-100, Hard & Soft Landscaping

CONSULTEE NOTIFICATIONS & RESPONSES:-

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| 1. | GAL - Aerodrome Safeguarding | Advice provided on second runway. No objection on aircraft noise grounds as the site would be needed if a second runway were constructed. |
| 2. | WSCC - Highways | No objection subject to conditions |
| 3. | Thames Water | No response |
| 4. | Sussex Building Control Partnership | No response |
| 5. | Police | No response |
| 6. | CBC - Drainage Officer | No response |
| 7. | West Sussex Fire Brigade | No response |
| 8. | CBC - Housing Enabling & Development Manager | No response |
| 9. | UK Power Networks | No objection |

10.	CBC - Contaminated Land	No response
11.	CBC - Environmental Health	Objection on noise grounds
12.	Cycle Forum	Advice provided on need for covered cycle stores, manoeuvring space and need to a cycle path to link the site into the wider cycleway network.
13.	CBC - Refuse & Recycling Team	Advice provided
14.	CBC - FP - Energy Efficiency & Sustainability	Further information requested
15.	CBC – FP - Retail & Employment	No objection given previous Inspector's comments.
16.	CBC - FP - Urban Design	No comments
17.	WSCC - Surface Water Drainage (SWD)	No comments

NEIGHBOUR NOTIFICATIONS:-

The application was advertised by way of site notices and a press notice.

RESPONSES RECEIVED:-

Cllr Peter Lamb: Manor Royal is an employment zone designated for that use since the 1940s. Mixing housing with industrial activity affects those using the sites for either purpose. Those in the houses are forced to deal with excessive noise and congestion, in addition to being more isolated from community facilities and public amenities than any other part of Crawley. For businesses, the presence of residents limits the potential use of their sites for activities which will have an environmental impact upon those living next door, hampering the local economy. It also adds to the existing parking problems on the site. That, and the economic impact of losing further employment land, is why the Council sought, and were granted, an Article 4 exemption from further permitted development on the industrial estate. It is too late to reverse the existing residential conversions, but it is not in anyone's interests to allow further intensification of residential space at this location.

REASON FOR REPORTING TO COMMITTEE:-

The proposal is 'Major' development based on the number of units proposed.

THE APPLICATION SITE:-

- 1.1 The application site comprises a six-storey building located on the eastern side of London Road (A23) just to the north of the junction with Betts Way and Fleming Way. The building was originally constructed for office use. The upper floors of the building have been converted to residential use under the Prior Approval system and are now occupied. The Prior Approval was for 94 flats. However, the current application documents are contradictory about the existing/proposed number of flats. Clarification and floor plans have been requested from the agent.
- 1.2 The current application relates to the ground floor area, which is currently used for storage of building materials related to the residential use. It was originally an undercroft parking area for the office building and subsequently for the flats created within the building.
- 1.3 Vehicular access to the site is from a single point of access immediately to the south of the building comprising a left only turn in and left only exit onto the London Road A23 dual carriageway. There is a basement car park accessed via a ramp to the rear of the site and also surface level parking to the south and east of the building, providing a total of 140 spaces according to the application form. A refuse and recycling store lies in the south-east corner of the site.
- 1.4 Immediately to the south and east is Eastman House occupied by a car sales business and to the north is the Ibis Hotel. To the west on the opposite side of London Road is the White House and to the south-west is Astral Towers, both of which are office buildings. There is a small supermarket on the ground floor of Astral Towers.

- 1.5 The application site is located within the Manor Royal Main Employment area, which is predominantly occupied by employment uses within the 'B' Use classes. The site is covered by the Article 4 Direction removing permitted development rights for the change of use of offices (B1) to residential (C3). The site lies just south of the Local Plan Gatwick Airport safeguarded area. There are no other identified site constraints.

THE PROPOSED DEVELOPMENT:-

- 1.6 Planning permission is sought for the creation of twelve flats (6 x one bed and 6 x two bed) at ground floor level. They would be created by in-filling the existing storage area and inserting new windows into the external ground floor elevations. The proposed flats would be accessed through pedestrian entrances to the rear of the building. Totalling the Prior Approval flats and the current proposal suggests that there would be a total of 104 flats within the building. However, the Planning Statement states that there would be a total of 113 flats. Clarification from the agent has been sought.
- 1.7 A total of 120 off-street car parking spaces are proposed on site, which would be provided at basement level. Twenty existing ground level car parking spaces would be lost to the rear of the building. There would be no change to the vehicular access to the site.

PLANNING HISTORY:-

- 1.8 The most relevant planning history is as follows:

CR/581/85: Erection of offices. Planning permission granted.

CR/94/0658/FUL: Modifications to car parking provisions including addition of new plant rooms.

CR/2011/0095/FUL: Change of Use of the first and second floors from B1 (Office) to D1 (Dental Clinic). Permission granted but not implemented.

CR/2013/0359/PA3: Prior Approval for change of use from B1 Office to C3 Residential (75 flats). Prior Approval was given.

CR/2014/0122/PA3: Prior Approval for change of use from B1 Office to C3 Residential (80 flats). Prior Approval was given.

CR/2014/0321/PA3: Prior Approval for change of use from B1 Office to C3 Residential (91 flats). Prior Approval was given.

CR/2014/0524/PA3: Prior Approval for change of use from B1 Office to C3 Residential (94 flats). Prior Approval was given.

Due to the applicant not complying with the prior approval requirements the existing flats although occupied do not have the benefit of planning permission.

CR/2014/0826/FUL: Creation of 14 x flats (3 on the roof and 11 on the ground) following prior approval CR/2014/0524/PA3 for 94 flats, including alterations to parking, new windows and boiler floor cladding on the elevations. Invalid application due to discrepancies between the description and details shown on the plans.

CR/2015/0234/FUL: Installation of new windows and boiler flue cladding on elevations. Planning permission granted and implemented.

CR/2015/0446/FUL: Creation of 12 new 1 & 2 bedroom apartments on ground floor car park undercroft and new bin store. Refused 10 November 2015. Subsequent appeal dismissed 3 November 2016.

The application was refused on the grounds of:

- undermining the business and employment function of Manor Royal;
- unsatisfactory internal space, external amenity space and parking layout combining to create an unacceptable residential environment;
- failure to demonstrate that future residential amenity would not be harmed by noise;
- insufficient to demonstrate highway and pedestrian safety; and
- failure to secure appropriate infrastructure contributions.

The Inspector for the appeal considered that, given the residential conversion of upper floors, there would be no loss of employment floorspace and that the proposal would not undermine the business function. Considering internal space, outdoor amenity space and noise, the Inspector concluded *“that the building would not provide suitable living conditions for future occupiers.”* She concluded that there would be conflict with the internal space standards and that the external amenity spaces would be affected by pedestrian and vehicle movement, limited in size and located to the north of the building. The areas would be *“of a poor quality and quantity”* and *“would not be pleasant to use.”* The Inspector did not agree that the proposal would have a harmful impact upon highway safety, but supported the Council’s view that contributions should be made towards education and open space although not the Manor Royal contribution.

CR/2017/0078/FUL: Conversion of ground floor associated storage into 12 flats. Refused 9 May 2017 for the following reasons:

1. The proposed development, by reason of the unsatisfactory internal space, poor quality outdoor amenity space and poor outlook from the proposed flats, would be severely detrimental to the amenities of future occupiers of the development. The proposed scheme is therefore contrary to Policies CH3 and CH5 of the Crawley Borough Local Plan 2015-2030 and the Amenity Space Standards set out in the Urban Design Supplementary Planning Document.
2. Residents of the proposed flats would be likely to suffer unacceptably high noise levels, to the detriment of both their health and standard of amenity. The proposed mitigation, by way of substantial acoustic screening, acoustic double glazing and mechanical ventilation, would have an unacceptable and intrusive impact upon outlook from the proposed flats and would probably prevent residents being able to open their windows. The proposed development would therefore be contrary to Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
3. No agreement is in place to ensure that the appropriate infrastructure provisions, for open space and tree planting, required to support the development are secured. The proposed development is therefore contrary to Policy IN1 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure Supplementary Planning Document and the Developer Contributions Guidance Note.

PLANNING POLICY:-

National Planning Policy Framework (NPPF) (2012)

4.1 The National Planning Policy Framework 2012 (NPPF) introduced the presumption in favour of sustainable development in approving developments that accord with the development plan without delay or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts or it would be contrary to the policies in the NPPF. The NPPF states that there are three dimensions to sustainable development and the planning system performs an economic, social and environmental role. These roles are mutually dependent. The Framework requires applications to be determined in accordance with the development plan.

4.2 Relevant sections are:

- Paragraph 14: Presumption in favour of sustainable development – this means that development that accords with the development plan should be approved without delay, or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts which would outweigh the benefits or it would be contrary to the policies in the NPPF

- The core planning principles of the NPPF (paragraph 17) states that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. In addition, development should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Section 6: Delivering a wide choice of high quality homes – this seeks to significantly boost the supply of housing. Applications should be considered in the context of the presumption in favour of sustainable development and are to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Section 7: Requiring good design - this emphasises the importance of good high quality design for all development and advises it is proper to seek to promote or reinforce local distinctiveness and the policies and decisions should address the integration of new development into the natural, built and historic environment
- Section 8: Promoting healthy communities – this section discusses the importance of facilitating social interaction and creating healthy, inclusive communities.
- Section 11: Conserving and enhancing the natural environment – states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

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

- Policy SD1 (Presumption in favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- Policy CH1 (Neighbourhood Principles) States that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- Policy CH2 (Principles of Good Urban Design) States that all proposals for development in Crawley will be required to respond to and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3 (Normal Requirements of All New Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of high quality design, provide and retain a good standard of amenity for all nearby and future occupants of land and buildings and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- Policy CH4 (Comprehensive Development and Efficient Use of Land) states that development must use land efficiently, not prejudice either the potential of adjoining land or the proper planning and phasing of wider development.
- Policy CH5 (Standards for All New Dwellings) states that all new dwellings must create a safe, comfortable and sustainable living environment, capable of adapting to the changing needs of residents. New dwellings should, as a minimum, meet the nationally described space standards in accordance with Building Regulations Part M Category 2 – accessible and adaptable dwellings.
- Policy CH6 (Tree Planting and Replacement Standards) requires landscape proposals for residential development to contribute to the character and appearance of the town by including at least one new tree for each new dwelling. In addition, any trees lost as a result of the development must be replaced or mitigated. Where possible the trees are expected to be provided on site although, where this is not feasible, commuted sums will be sought in lieu.
- Policy EC1 (Sustainable Economic Growth) confirms that the site is within the Main Employment Area. The policy seeks to protect and enhance Crawley's role as the key economic driver in the Gatwick Diamond and identifies Manor Royal as the preferred location for strategic employment in the Borough and wider area.
- Policy EC2 (Economic Growth in Main Employment Areas) supports employment growth in the main employment areas and to resist proposals which result in a net loss of employment floorspace.

- Policy EC3 (Manor Royal) relates to the Manor Royal Estate and encourages development in the B Use Classes. Proposals that are not for B Use Class development will be permitted if it can be demonstrated that they are of a scale and function that enhances the established role and business function of Manor Royal and would not undermine the business district. All development at Manor Royal should contribute positively to the overall setting and environment of the Main Employment Area as a business district through high quality design and landscaping that is in accordance with the Manor Royal Design Guide Supplementary Planning Document.’
- Policy EC4 (Employment Development and Residential Amenity) states that 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. Paragraph 5.47 states that *“to promote the continued functionality of Main Employment Areas, where residential development is proposed within or adjacent to Main Employment Areas, regard will be had to the potential impact on the operation of existing economic uses as well as the amenity of future residents.”*
- Policy H1 (Housing Provision) the Council will positively consider proposals for the provision of housing to meet local housing needs.
- Policy H3 (Future Housing Mix) states that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand.
- Policy H4 (Affordable and Low Cost Housing) states that 40% affordable housing will be required from all residential developments. A split of 70% Affordable/Social Rent and 30% Intermediate Tenure will be sought.
- Policy ENV2 (Biodiversity) states that all developments will be required to incorporate features to encourage biodiversity.
- Policy ENV5 (Provision of Open Space and Recreational Facilities) requires development to make provision for open space and recreational facilities.
- Policy ENV6 (Sustainable Design and Construction) requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes and also specifically to achieve BREEAM excellent for water and energy credits where viable.
- Policy ENV7 (District Energy Networks) requires that any major development proposal should demonstrate whether it can connect to an existing DEN network where available, and if not available how it may develop its own system, or how it may include site-wide communal energy systems, or be ‘network ready’ to connect to a DEN on construction or at some point after construction, all subject to technical or financial viability.
- Policy ENV9 (Tackling Water Stress) requires all new dwellings to achieve the new ‘optional’ water efficiency standard introduced into part G of the Building Regulations in 2015, subject to viability and technical feasibility.
- Policy ENV11 (Development and Noise): Advises that residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses. To achieve this, this policy should be read in conjunction with the Local Plan Noise Annex.
- Policy IN1 (Infrastructure Provision) states that development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- Policy IN2 (Strategic Delivery of Telecommunications Infrastructure) requires all residential, employment and commercial development to be designed to be connected to high quality communications infrastructure.
- Policy IN3 (Development and Requirements for Sustainable Transport) Advises that development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network.
- Policy IN4: (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council’s car and cycle standards.

Article 4 Direction

- 4.4 The Local Plan sets a clear policy direction to ensure that the business function of Manor Royal is protected and is not undermined by the inappropriate introduction of uses that are not consistent with the overall economic objectives of the plan as set out in Policies EC3 and EC4. The Council has made two related Article 4 Directions that came into force on 29 July 2016.
- 4.5 The Directions remove permitted development rights that allow change of use from B1(a) - offices and B8 - warehouse to residential (C3) within the Manor Royal Employment Area without the need to make a planning application. The two directions respond to the significant demand for business land in Crawley, the supply of which is being significantly undermined by the loss of B1(a) office premises and B8 warehouses to residential uses under the Prior Approval process. The directions respond to concerns raised by the Council and local business groups that the introduction of residential uses into Manor Royal is undermining the economic function of the main employment area.
- 4.6 A further Article 4 Direction controlling potential changes of use from B1(c) light industrial use to residential (C3) within Manor Royal came into force on 16 October 2017.

Supplementary Planning Guidance and Documents

- 4.7 The Council's following Supplementary Planning Documents and Guidance Notes are also relevant to this application:
- Planning and Climate Change (adopted October 2016) – Sets out a range of guidance seeking to reduce energy consumption, minimise carbon emissions during development, supporting District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport.
 - Urban Design (adopted October 2016) – With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2. The principles cover Character, Continuity and Enclosure, Quality of the Public Realm, Ease of Movement, Legibility, Adaptability and Diversity. The document also sets out the car and cycle parking standards for the Borough.
 - Green Infrastructure (adopted October 2016) – Sets out the Council's approach to trees, open space and biodiversity. It includes the justification and calculations for open space, sport and recreation provision under Policies ENV4 and ENV5 and for tree replacement and new tree planting under Policy CH6. A contribution of £700 per tree is sought for each new dwelling.
 - Affordable Housing (adopted November 2017) This SPD includes further guidance on affordable housing policies within the Local Plan. For eleven or more dwellings, it confirms that 40% on-site provision will be sought, with off-site commuted payments only accepted in exceptional circumstances.
 - Developer Contributions Guidance Note (Adopted July 2016) Following the introduction of the Community Infrastructure Levy, this guidance note sets out the Council's approach to securing contributions towards infrastructure provision.

PLANNING CONSIDERATIONS:-

- 4.8 The main considerations in the determination of this application are:
- Principle of additional residential units within this Main Employment Area
 - Impact on the character and appearance of the building and surrounding streetscene
 - Residential amenity
 - Impact on neighbouring amenities
 - Impact on highways, access and parking
 - Sustainability
 - Affordable housing and infrastructure contributions
 - Other matters

It should be noted that these relate solely to the additional residential units proposed at ground floor level and the related material alterations described as part of the application, and not to the existing residential units subject of the Prior Approval on the upper floors.

Principle of additional residential units within this Main Employment Area:

- 5.1 Manor Royal is a planned employment district and was not designed to accommodate residential development. The area is a key strategic employment area with businesses operating 24 hours a day and is in close proximity to Gatwick Airport. The area does not benefit from the amenities and services required to support a residential community which are found in all the other neighbourhoods within Crawley and the application site is in a commercial and relatively isolated location in terms of access to amenities. Furthermore, the surrounding environment is considered to be noisy and urbanised in form due to the surrounding uses. Manor Royal is not considered a high quality and well planned environment for future residents.
- 5.2 The building is located within the Manor Royal Main Employment Area defined by the Local Plan and, within which, employment uses are sought. However, the principle of conversion for residential use of this building has already been established through the permitted development rights afforded by the GPDO and the associated prior approval under reference CR/2014/0524/PA3. The adopted Local Plan contains clear policies for the ongoing protection of this important business area as set out in Section 4 above.
- 5.3 The upper floors are now occupied for residential purposes. The current application solely relates to the ground floor storage area. Whilst formerly used as part of the office car park, it is no longer in employment use.
- 5.4 The Council argued at the previous appeal that the proposed residential use of the ground floor would fail to protect employment land and represent a further constraint upon adjoining employment uses. Whilst recognising the site's location within the Main Employment Area, the Inspector considered that "the site's position on the northern edge of the MREA, its neighbouring uses and the scale of development" meant that the conversion of the ground floor would not adversely impact upon the "future function of the MREA as a whole." Given the Inspector's views, it is not considered sustainable to recommend refusal of the current application on the grounds of adverse impact upon Manor Royal's employment generating uses.
- 5.5 Whilst not assisting with the current case, it is worth noting that the Council has subsequently adopted Article 4 Directions to prevent such office conversions happening in the Main Employment Area in future without a planning application.

Impact on the character and appearance of the building and surrounding streetscene

- 5.6 The proposal would infill the ground floor to create twelve new flats. The ground floor currently has a sloping, part louvred feature externally with no windows, so new fenestration is proposed. The new windows would be located on all elevations of the building. According to the elevation drawings, to the front (west) and north elevations, the sloping louvred areas would be removed to open up lightwells outside the windows. However, the proposed ground floor plan appears to suggest that the entirety of the sloping feature would be removed and replaced by planter boxes. Overall, despite this lack of clarity, the external physical changes proposed to the building are considered relatively minor and would be acceptable in streetscene terms subject to clarification from the applicant and detailed control by condition.

Residential amenity

- 5.7 The proposed scheme incorporates six 2-bed and six 1-bed flats. One of the one bedroom flats fails to meet the Council's adopted minimum floorspace standards for new dwellings, as it has a floorspace of only 37 square metres. The drawings indicate it to be a one person unit. However, the floorspace is highly contrived, with a substantial store located outside the bedroom in a way that does not feature in any other proposed unit. This store appears to have been solely incorporated to lower the bedroom area below the Local Plan defined size for a double bedroom, and therefore that

of a two person flat (which would require a floorspace of 50 square metres). Regardless of that, even if it were treated as a one person studio, the proposed floorspace is only 37 square metres against a required 39 square metres for a one person studio with bathroom. This flat, due to its cramped size, is considered unacceptable as a new unit of residential accommodation. The other flats would meet the Nationally Described Space Standards required by Policy CH5.

- 5.8 Two flats on the eastern wing would be dual aspect, two would have windows around an external corner, two around an internal corner and the remainder would be single aspect. The outlook from the flats would be either directly onto London Road, north onto the space between First Choice House and the Ibis Hotel or south/east onto the vehicular/pedestrian access, bin and cycle stores and communal space. None of these outlooks are considered to be acceptable or result in a satisfactory level of residential amenity for new dwellings.
- 5.9 As stated above, the proposed elevations appear to show that the existing lightwell structures along the front (west) and side (north) elevations of the building would be retained. These existing structures, due to their siting, height and overall size, would obstruct outlook from west facing flats. Their removal would only offer outlook onto a busy dual carriageway so, in either case, the outlook from the proposed flats with windows facing west is considered unacceptable. The lightwell structures may also prevent light from reaching some of the proposed ground floor windows, resulting in unacceptable levels of natural light within the flats.
- 5.10 The north facing flats would be dark, particularly those that would be single aspect, and would have a communal area immediately outside their windows, resulting in potential loss of privacy. The east facing flats would look onto the vehicular and pedestrian access, which the previous Inspector considered to be unacceptable due to resulting disturbance through issues such as movements, noise and headlights. Many of the flats, including the one adjacent to the communal garden area, could suffer significant loss of privacy from pedestrians passing close to their windows. The proposed flat to the north of the entrance hall would have extremely limited fenestration, dark rooms and would be overlooked.
- 5.11 Since the last application, the applicant has attempted to address poor outlook by the provision of planter boxes. Whilst these may provide some softening in outlook, the general outlook in all directions is poor and, for many flats, natural light levels would be likely to be low. The provision of planter boxes is not considered sufficient to address the fundamental unacceptability of single aspect flats facing a dual carriageway from a distance of only six metres. Many of the kitchens are located some distance from windows and would receive very limited natural light or ventilation. None of the bathrooms would have natural light or ventilation. Overall, the level of internal residential amenity within the proposed scheme is considered wholly unacceptable.
- 5.12 The submitted plans show a communal garden area to the rear of the building and planter boxes and patio areas along other elevations of the building. The landscaping would be a noticeable visual improvement on the previous scheme. However, the main timber deck would have an area of only around 130 square metres. Size, aspect, usability and sense of enclosure all need to be taken into account in assessing whether outdoor space would provide sufficient living conditions for the future occupants. This part of the application site is currently entirely hard surfaced and already available to existing occupiers of the flats on upper floors. It does not form an attractive and usable private amenity space.
- 5.13 Council policy within the Urban Design SPD seeks a “minimum of 5 sqm of private outdoor space, where the smallest dimension is not less than 1500mm, is provided for 1 to 2 person flats plus and extra 1 sqm for each additional occupant.”
- 5.14 No additional amenity space is proposed beyond that which is available for existing residents and, in that sense, the scheme fails to meet the standards. The application does propose the use of planters, decking and other soft landscaping to improve the visual appearance of the existing amenity space and this represents an improvement on the previous scheme. Other than the decked area though, the amenity space appears to include features such as benches adjacent to the vehicular access, cycle and bin stores. The “Proposed Communal Patio” to the north of the building would directly overlook the flats facing onto this area, as well as being wholly overshadowed for

most of the day. The outdoor areas are not suitable for young children to play in due to the proximity of passing cars and would not form appropriate places for residents to relax.

- 5.15 The limited outdoor space provided is therefore expected to meet the needs of the existing and proposed residents of between 106-113 flats, which it is manifestly incapable of doing. There would be no reasonable way to make the space available to the twelve currently proposed flats whilst excluding existing residents. Overall, the outdoor amenity space proposed is considered unacceptable in terms both of area and quality of the space.
- 5.16 The Council's Environmental Health officer has raised very strong concerns about noise levels in this area and the severely harmful impact that these would have upon residents' health and wellbeing. The site lies on a dual carriageway close to a roundabout, in a position where vehicles are braking and accelerating. The applicant has submitted a noise survey carried out in relation to an earlier application. This demonstrates the extremely high noise levels in the area, including maximum noise levels. The report recognises the unacceptable nature of the noise levels and proposes the use of double glazing and mechanical ventilation to address this. The effect of this would be some single aspect flats with sole outlook onto a dual carriageway and their occupants being unlikely to open windows for the comfort and enjoyment of natural ventilation due to the noise levels outside. These flats would not benefit from a satisfactory level of amenity and are not acceptable.
- 5.17 The Inspector for the previous appeal upheld the Council's reason for refusal, concluding that there would be "an unsatisfactory living environment for future occupiers" and, whilst hard and soft landscaping has now been proposed and ground level car parking has been deleted, officers consider that little has been done to address the failings of the previous scheme and that the current proposal would still create a wholly unacceptable living environment for its inhabitants. Refusal is recommended for these reasons.

Impact on neighbouring amenities

- 5.18 The proposed flats would be located within a non-residential area, albeit that there would be flats above and there is a hotel immediately to the north. Given that the creation of the proposed flats relates to the ground floor level of the existing building and would not extend beyond the existing footprint, it is not considered that significant neighbour amenity concerns would arise.

Impact on highways, access and parking

- 5.19 The proposal would retain the existing vehicular access to/from London Road. The Local Highway Authority raises no objection and considers that the proposal would generate only a small increase in vehicle movements to/from the site over current and recent levels. There have been no recorded accidents in the vicinity within the last three years and the access is considered to be acceptable. The comments note that unauthorised parking on the street frontage has been occurring, but that this is being dealt with under highways powers. It is concluded that there would not be a severe impact upon the highway network arising from the proposal.
- 5.20 Overall, First Choice House would have a total of 120 car parking spaces. Clarification has been sought from the agent on the number of existing and proposed flats as the application documents are inconsistent. No response has been received. It appears that the maximum number of existing and proposed flats may be 113 units. The parking standard set out in the Urban Design SPD seeks a minimum of 1.2 spaces per one bed flat and 1.5 spaces per two bed flat. The applicant's Transport Statement, based on an assumption that there would be 106, rather than 113, flats, states that this gives a minimum requirement of 148 car parking spaces. This would represent a shortfall of 28 spaces. The Local Highway Authority has raised no objection and recognises the site to be in a relatively sustainable location in terms of access to public transport. However, the Local Highway Authority comments were based on a total parking figure of 145 spaces provided in the Transport Statement. Further clarification will be sought, but it seems unlikely that refusal could be sustained on parking grounds.

- 5.21 The Local Highway Authority recommends conditions covering provision of car parking and a Construction Management Plan, which could be applied if the scheme were otherwise acceptable.

Sustainability

- 5.22 The applicant's Design and Access Statement makes limited reference to sustainability. It is clear that no thorough assessment has been carried out and no specific commitments are made. The Council's Forward Planning team understandably objects on this basis. Further information has been requested from the applicant, but no response has yet been received. Issues such as the requirement for the development to meet the BREEAM Excellent standard for energy and water credits, to achieve the Building Regulations optional requirement for tighter water efficiency and to demonstrate that it is ready for connection to a District Heat Network are a significant cause for concern.

Affordable Housing and Infrastructure Contributions

- 5.23 Policy H4 of the Crawley Borough Local Plan 2015-2030 states that 40% affordable housing will be required from all residential developments. The Affordable Housing SPD, adopted in November 2017, provides further guidance on interpretation of the affordable housing requirements. The applicant has made no reference to the provision of affordable housing within the application documents. A total of five on-site affordable housing units would be sought if the scheme were otherwise acceptable.
- 5.24 The proposed development would be liable to pay the Community Infrastructure Levy. The development would also be liable to pay the tree planting contribution set out in the Green Infrastructure SPD and an appropriate contribution towards provision of off-site open space to cater for the needs of future residents. The Inspector for the previous appeal supported the need for an open space contribution. The Forward Planning team has advised that a contribution of £2,856 should be sought towards improvements to the MUGA, BMX track or adventure playground facilities at Cherry Lane playing fields. Additional tree planting was not discussed at the previous appeal hearing as the Green Infrastructure SPD had not been adopted at that point. It forms recent and up to date guidance adopted after the appeal and it is appropriate that a contribution be sought from this proposal. The total contributions that would be sought in this case would be £4,956 (£2,100 for tree contribution and £2,856 for open space).
- 5.25 At the time of the previous appeal, the Council sought the Manor Royal public realm improvement commitment relating to developments in this area. Unfortunately, the Inspector took the view that this contribution was only required from employment floorspace proposals. Regardless of the fact that all employees and residents of Manor Royal would benefit from public realm improvements such as pocket parks, particularly where amenity space is inadequate, officers do not consider that refusal on this basis can be justified given the Inspector's previous comments. Education contributions were also discussed at the previous appeal hearing. The Inspector accepted the need for such contributions, but these have subsequently been covered by the Community Infrastructure Levy.
- 5.26 The applicant has not submitted a unilateral undertaking to cover the required above contributions towards affordable housing, open space and tree planting. In the absence of such a commitment, the proposed development fails to address the infrastructure requirements associated with it and fails to meet current local planning policy requirements. Refusal is recommended on this basis.

CONCLUSIONS

- 5.27 The proposed development would create residential accommodation incapable of meeting decent standards for residential occupiers, due to high noise levels, poor outlook, disturbance from vehicle movements and lack of acceptable outdoor amenity space. Refusal is recommended for these reasons. As it stands, the proposal also fails to meet the Council's adopted requirements for infrastructure provision.

RECOMMENDATION RE: CR/2017/0880/FUL

Refuse for the following reasons:

1. The proposed development, by reason of the unsatisfactory proposed internal floorspace, the insufficient and poor quality proposed outdoor amenity space areas and the poor outlook from the proposed flats, would be severely detrimental to the amenities of future occupiers of the development. The proposed scheme is therefore contrary to Policies CH3 and CH5 of the Crawley Borough Local Plan 2015-2030 and the guidance set out in the Urban Design Supplementary Planning Document.
2. Residents of the proposed flats would be likely to suffer unacceptably high noise levels, to the detriment of both their health and standard of amenity. The proposed mitigation, by way of acoustic double glazing and mechanical ventilation appears unacceptable in noise terms and would probably prevent residents being able to open their windows and benefit from natural ventilation. The proposed development would therefore be contrary to Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.
3. No agreement is in place to ensure that the appropriate affordable housing and infrastructure provisions for open space and tree planting required to support the development are secured. The proposed development is therefore contrary to Policies IN1 and H4 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure Supplementary Planning Document, the Affordable Housing Supplementary Planning Document and the Developer Contributions Guidance Note.



ArcGIS Web Map



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