

Case Officer: Mrs J. McPherson

Reference:

APP/2018/0008/NON

Planning Inspectorate Reference:

APP/Q3820/W/18/3199581

Location:

R/O GEORGE HOTEL, 56 - 58 HIGH STREET, WEST GREEN, CRAWLEY

Proposal:

ERECTION OF 38 RESIDENTIAL UNITS, ASSOCIATED EXTERNAL WORKS AND AMENDED VEHICULAR AND PEDESTRIAN ACCESS TO INCLUDE DEMOLITION OF 11 IFIELD ROAD

Statement

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INTRODUCTION

- 1.1 With reference to the above appeal, this statement together with appendices and the appeal questionnaire with associated documents sent on 21st August 2018 comprises the appeal statement for the Local Planning Authority.
- 1.2 The appellant seeks planning permission for the demolition of an existing 2 storey dwelling on the site and redevelopment of this land along with the car park of the George hotel for the erection of a part 3 and part 4 storey residential building comprising a total of 38 flats together with the provision of 10 parking spaces for the flats and reconfiguration of the remaining parking area for hotel parking and servicing.
- 1.3 The application was deemed valid by the Local Planning Authority on the 3rd November 2017 however a decision was not made with the statutory timescale (target decision date 2nd February 2018) and no extension of time was agreed by the appellants. The appeal is therefore against the Non-Determination of the application.

THE APPEAL SITE

- 2.1 The appeal site comprises 0.3ha of land to the rear of The George Hotel, High Street, the original part of which is a Grade II* listed building. The land comprises a 2 storey dwelling (11 Ifield Road) and its curtilage located in the southwest corner of the site, and the car parking area for the hotel which is primarily laid out as hardstanding. The site excludes the two large 3 storey flat roofed hotel extensions with the northern section of the car park / service area which are detached from the hotel but linked to each other by a high level walkway.

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- 2.2 The main use of the land is a hotel car park although there is a hand car wash business located within the car park (approx. 350 sq m area) on land between the site access and 11 Ifield Road (approx. 280 sq m area) adjacent to Pegler Way. The dwelling at 11 Ifield Road appears to be currently occupied, the planning history suggests this was historically used as accommodation for hotel staff.
- 2.3 Vehicular access to the car park is from Pegler Way (which is a dual carriage way and the western town centre relief road for the High Street) via a roundabout. Pedestrian access is also via the vehicular access although hotel guests can cut through the historic hotel building to reach the site from the High Street.
- 2.4 The site is relatively flat with a slight fall in levels towards the northern boundary. The site is predominantly hardstanding, with the 2 storey dwelling being the only substantive built development. Along the southern site boundary there are a group of primarily coniferous trees which screen the site from Ifield Road to the south.
- 2.5 The two storey dwelling at 11 Ifield Road occupies the south west corner of the site and is screened from Pegler Way and Ifield Road by an approx 2m tall brick wall which defines its curtilage. The remainder of the southern boundary with Ifield Road is delineated by a 2m tall close boarded fence behind which is the row of conifer trees. Mid-way along the southern boundary to the south of the boundary fence is a small raised bed which contains a former sign for the hotel and a mature yew tree.
- 2.6 Beyond the curtilage of 11 Ifield Road, the western boundary of the site is delineated by a low (approximately 1m) high wall. This low boundary treatment allows open views across to the northern and eastern site boundaries which comprise the existing flat roofed extension to the hotel and the main historic part of the George Hotel. Abutting the north west corner of the site is Shaw House, a former 4 storey office building which is in the process of being extended and converted to residential use.
- 2.7 The site is wholly within the High Street Conservation Area, an archaeological notification area and the Town Centre Boundary. As well as the George Hotel there are other listed and locally listed buildings in Ifield Road which are in close proximity to the site, including 10 Ifield Road (Grade II listed) to the south and nos. 1 - 4a Ifield Road (locally listed) to the south west.
- 2.8 In terms of the wider context, the site is very prominent in the street scene, having been opened up to wider views by the more recently constructed Pegler Way. This substantial road marks a firm boundary and step change in the character of development in this area. Development to the west of it is higher density with 6 storey block of flats at Pegler Court to the southwest of the appeal site and to the west the 7 storey Apex Apartments. Orchard Street multi-storey car park is located to the north west of the appeal site.
- 2.9 Ifield Road has been severed by Peglar Way and the appeal site is a visually important gateway identifying the entrance into the historic High Street Conservation Area from Ifield Road. It is visually related to Ifield Road and the High Street with its listed and locally listed buildings, with the grain of development along this street being 2 storey character. It forms a key approach into the historic Conservation Area.

THE APPEAL PROPOSAL

Documents considered

- 3.1 The application drawings submitted to the LPA and considered as part of the appeal are :
- 4827-010 Rev B - Site Location Plan
 - 4827-031 Rev C - Proposed Site Plan - as amended - received 1.2.18
 - 4827-032 Rev D - Proposed Site Layout - as amended - received 1.2.18
 - 4827-033 Rev C - Proposed Ground Floor Plan - as amended - received 1.2.18
 - 4827-034 Rev A - Proposed First Floor Plan
 - 4827-035 Rev A - Proposed Second Floor Plan
 - 4827-036 Rev B - Proposed Third Floor & Roof Plan
 - 4827-040 Rev B - Proposed Elevations (Ifield Road)
 - 4827-041 Rev C - Proposed Elevations (Pegler Way) - as amended - received 1.2.18
 - 4827-042 Rev C - Proposed Elevations (East Elevation As Seen From High Street) - as amended - received 1.2.18
 - 4827-043 Rev C - Proposed Elevations (Internal East Elevation) - as amended - received 1.2.18
 - 4827-044 Rev B - Proposed Elevations (Internal Courtyard Elevation)
 - 4827-045 Rev B - Typical Internal Site Section
 - 4827-046, Typical Site Section
 - 4827-047 Rev B- Typical Elevation Details
 - 4827-048 Rev B- Typical Section Details
 - TSP/GGH/P3199/01 Rev B - Proposed Access Arrangements - received 1.2.18
 - TSP/GGH/P3199/02 Rev B - Small Articulated Vehicle Swept Path - received 1.2.18
 - TSP-GGH-P3199-03 Rev B - Fire Tender Vehicle Swept Path - received 1.2.18
 - TSP-GGH-P3199-04 Rev B - Large Refuse Vehicle Swept Path - received 1.2.18
 - TSP-GGH-P3100-05 Rev A - Large Refuse Vehicle Exiting Whilst Large Car Entering Swept Path - received 1.2.18
- 3.2 The following drawing supplied by the appellants has been treated as 'Additional information' as the details on it are inconsistent with the proposed ground floor plan of the building:
1322 GA 100, Landscaping General Arrangement & Planting Plan
- 3.3 The application was accompanied by the following supporting documents:
- Design and Access Statement
 - Planning Statement
 - Heritage Statement (Rev B received 1.2.18)
 - Urban Design SPD -Completed Appendix A Heritage Impact checklist - received 1.2.18
 - Views and Perspectives document - received 1.2.18
 - An Archaeological Interpretive Survey of The George
 - Energy and Sustainability Statement
 - Open Space Assessment
 - Flood Risk Assessment
 - Noise Impact Assessment
 - Contamination Report
 - Residential Travel Plan Framework Transport Statement
 - Site Access Design Statement (submitted Feb 18)
 - Additional information - Submission to West Sussex County council for departures from standard form - received 1.2.18
 - Viability Assessment
 - 2 coloured montages showing 2 views of the building from Pegler Way.

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Description of the development

- 3.4 The application seeks planning permission for the demolition of 11 Ifield Road and the construction of a single 'L' shaped residential block wrapping around the southern and western boundaries of the site containing 38 flats. The building would be primarily 4 stories in height (ground, first, second, third floors) and finished in brick.
- 3.5 The building would measure approximately 43m long along its western elevation and 43m long on its south facing elevation. A 22m section of the building is proposed to be 3 storeys high at its eastern end (facing onto Ifield Road and closest to the listed part of the hotel). The building proposed is a modern design detailed in brick with a mixture of balcony and fenestration patterns to vary the elevations. The proposed roof is flat with a diagonal parapet wall feature concealing the main roof. The building along the Ifield Road frontage is designed in 4 sections which rise in scale from 3 storey (approximately 10.3m high at its eastern boundary) towards the junction with Pegler Way (the maximum height on this corner being approximately 14.5m). The west Pegler Way elevation of the building is also articulated in 4 sections (all 4 storey in scale) but appearing to gradually raise in height towards the junction with Ifield Road and emphasised by the slight rise in ground levels. The building would measure approximately 12.5m at its northern end to around 15m at its highest point towards the Ifield Road junction. Each section of the building varies with its detailing of the balconies, windows and brick banding to add visual interest to the building. The internal courtyard elevations are also detailed in a similar way although the design from the rear is interrupted by the undercroft parking area and access archway.
- 3.6 The development would provide 38 residential units comprising (4 x studio flats, 15 x 1 bedroom flats and 19 x 2 bedroom flats). Refuse and cycle provision would be accommodated within the ground floor of the building. Internally the building is served from 2 separate lift and stair cores located either side of the site access. No affordable units are proposed within the development.
- 3.7 Access to the site would be via the existing but modified western access through an archway into the car parking area which would be laid out to provide 44 car spaces (including 3 disabled spaces). 15 parking spaces would be undercroft or partially undercroft beneath the new residential block, the remainder would be surface parking. Ten of the parking spaces are for the residential block with the remainder for existing hotel customers. The car parking would be a shared area with servicing for both the hotel and flats. Secure cycle and refuse provision is provided at ground floor level within the flats.
- 3.8 The building is designed to optimise the use of the site and is sited with a minimum 1.2m separation gap to the northern boundary with Shaw House and a set back of approximately 2m from the public toilets in Ifield Road. At its closest point the development would be 0.5m away from the back edge of the pavement at its junction with Ifield Road and Peglar Way.
- 3.9 In respect of landscaping, the proposed flats would be sited very close to the back edge of the pavement along both Ifield Road and Pegler Way with paving and flower beds proposed to integrate the development to the current footpath. The parking area to the area would be paved with one new tree provided. A small strip of planting is proposed along the northern boundary with Shaw House and around the northern hotel block. All existing trees within the site and one specimen on the raised bed are to be removed and in addition one specimen on the in a raised bed on highway land adjacent to the south of the site are to be removed.

RELEVANT PLANNING HISTORY

- 4.1 The George Hotel has an extensive planning history. The property has been a hotel / coaching inn for many years and was in single use until the early 2000's when the original historic building was subdivided into different uses including a hotel (primarily in accommodation to the rear of the High Street and at first floor level), 2 restaurants and a bar (with access of the High Street). The planning records suggest that 11 Ifield Road has been used for many years as staff accommodation.
- 4.2 Of particular note are the following applications
- CR/1999/0012/FUL - Approval given for the construction of a 25 bedroom detached accommodation block. - This structure would have been located between 11 Ifield Road and the public toilets and was a two storey pitched roof building running parallel with Ifield Road. This was not implemented.
 - CR/2008/0251/COU - Retrospective application for change of use from parking to hand car wash area - Permitted May 2008 (for 2 years). There have been no subsequent applications for the continued use of the business - on this basis the current car wash operation is unauthorised.

Other relevant planning history (adjoining sites)

- 4.3 Shaw House located to the northwest of the appeal site is currently being redeveloped for residential use. Previously an office, prior approval was given in November 2016 to a change of use from office to residential comprising 10 x 1 bed and 16 x 2 bed units under application reference CR/2016/0816/PA3. Planning permission was also given in February 2015 for the construction of an additional floor and external alterations for form 7 flats (6 x 2 bed and 1 x 1 bed) under reference CR/2014/0118/FUL.

<<ADD history for - 10 Ifield Road, Apex Apartments and Pegler Way Flats here.>>

RELEVANT NATIONAL POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the statutory development plan comprises the Crawley Borough Local Plan 2015-2030. Other relevant documents include Supplementary Planning Documents (SPD's) along with guidance set out in National Policy.

National Planning Policy Framework (July 2018)

- 5.2 The revised National Planning Policy Framework (NPPF) was published in July 2018 and has updated the original version of the document published in July 2012 which introduced at the heart of the framework the presumption in favour of sustainable development.
- 5.3 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...”*

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- b) a social objective – *“to support strong, vibrant and healthy communities....”*
- c) an environmental objective- *“to contribute to protecting and our enhancing our natural, built and historic environment...”*

- 5.4 **Section 5** 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.
- 5.5 **Section 6** 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.
- 5.6 **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 recognises that residential development often play an important role in town centre vitality and should be encouraged on appropriate sites.
- 5.7 **Section 8** 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.
- 5.8 **Section 9 - ‘Promoting sustainable transport’** set out transport considerations for new development including potential impacts on the existing transport network/s, opportunities for sustainable modes of transport and the need to focus development in sustainable locations. Para 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.
- 5.9 **Section 11 - ‘Making effective use of land’** states in para 117 that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*. The redevelopment of underutilised land and building is encouraged, and LPA’s should take a positive approach to alternative uses of currently developed land which is not allocated for a specific purpose to meet identified development needs. Para 122 and 123 seek to ensure efficient use though achieving appropriate densities on each site.
- 5.10 **Section 12 - ‘Well designed places’** states that good design is a key aspect of sustainable development and that the planning process should achieve the creation of high quality buildings and places. Para 127 states:
Planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

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- 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.”*

5.11 **Section 15 ‘Conserving and enhancing the natural environment’** - includes advice on ground conditions and pollution. Para 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,.....’*

5.12 **Section 16 – ‘Conserving and enhancing the historic environment’** provides guidance on development proposals that impact on heritage assets. Para 184 states: *‘ These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for future generations’.*

- X Para 189 (which retains the same wording as paragraph 128 in the 2012 NPPF) 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 assets’ 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”.*
- X Para 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.”*
- X Para 192 states: *”In determining applications, local planning authorities should take account of:*
 - a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*

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<<Paras 193 -202 provide guidance on considering potential impacts >>

RELEVANT PLANNING POLICIES

The Crawley Borough Local Plan 2015-2030 (adopted December 2015) (LP)

- 6.1 Policy SD1 is the overarching policy for this 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 opportunities for sustainable travel. Development will be supported where it respects the heritage of the borough and protects, enhances and creates opportunities for Crawley's unique Green Infrastructure and accords with the policies and objectives set out in this plan unless material considerations indicate otherwise.
- 6.2 Policy CH2 outlines the principles of good Urban Design. The policy seeks to assist in the creation, retention or enhancement of successful places in Crawley. In particular development proposals will be required to:
- (a) 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".*
- 6.3 Policy CH3 sets out the 'Normal Requirements of All New Development' and states that all proposals should be based on a thorough understanding of the significance and distinctiveness of the site, be of a high quality in terms of its design, sympathetic to its surroundings, provide a good standard of amenity for future occupants, retain trees which contribute positively to the area, meet its own operational requirements and demonstrate that it addresses the principles included within both 'Secure by Design' and 'Building for Life' criteria.
- 6.4 Policy CH4 seeks to ensure development uses land efficiently and does not unduly restrict the development potential of adjoining land.
- 6.5 Policy CH5 sets out the standards for all new dwellings and states that the minimum size for each dwelling should be based on the Nationally Described Space standards and be capable of adaption though meeting Building Regulations Part M Category 2. Residential developments should be designed to include amenity space standards adequate to meet basic privacy, amenity and usability requirements.
- 6.6 Policy CH6 deals with tree planting and replacement standards. Where development proposals involve the loss of trees, applicants must identify which trees are to be removed and replaced in order to mitigate for the visual impact resulting from the loss of the tree canopies. Replacement

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tree planting is expected in line with the policy standards and this is normally expected to be met within the development site. If on-site replacement not feasible or desirable, commuted sums will be sought in lieu on a per tree basis. Landscape proposals for residential development should contribute to the character and appearance of the town and include at least one new tree for each new dwelling.

- 6.7 Policy CH8 identifies important views which should be protected. The site is within the splay of the linear views north along Brighton Road from A23/A264 junction and the long distance view from Tilgate Park. The policy also states in the accompanying text the importance of more localised views and landmarks including views of the Church of St. John the Baptist and the requirements to protect their settings.
- 6.8 Policy CH12 requires that Crawley's designated and non-designated heritage assets are treated as a finite resource and their key features of 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.
- 6.9 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."*
- 6.10 Policy CH15 seeks to ensure that any works to listed buildings are consistent with their character, appearance and heritage value. It seeks to ensure that changes must preserve or enhance the design and character of the Listed Building and have regard to its historic significance. It requires the submission of a Heritage Impact Assessment to demonstrate how proposals protect the listed building, its key features and its setting.
- 6.11 Policy CH16 deals with Locally Listed Buildings and their importance as a heritage asset. It seeks to retain these buildings including their features of interest and respect and preserve their character and setting. It requires that *"Development proposals affecting Locally Listed Buildings must demonstrate in the Heritage Impact Assessment that proposals take account of the following criteria:*
- i) *The Historic interest of the building.*
 - ii) *The Architectural interest of the building.*
 - iii) *The Townscape value of the building.*
 - iv) *The Communal value of the building and its surroundings."*
- 6.12. 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

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protected and enhanced. The policy seeks to ensure the town's main employment areas are the focus for sustainable economic growth.

- 6.13. Policy EC2 also identifies the Town Centre as a main employment area and states proposals for employment generating development will be supported where they contribute to the specific characteristics of the main employment area and the overall economic function of the town.
- 6.14. Policy EC4 requires that where residential development is proposed within or adjacent to the Main Employment Areas, the principle concern will be to ensure that the economic function of the area is not constrained.
- 6.15. The site is located within the Town Centre Boundary and the eastern part of it is within the Primary Shopping area (policy EC5) although there is no active shopping frontage identified as extending onto the site. Policy EC6 acknowledges that sites within the Town Centre boundary provide an important opportunity to prevent town centre viability and viability through mixed use schemes to meet the economic and housing needs of the borough.
- 6.16. Policy H1 states that *"the Council will positively consider proposals for the provision of housing to meet local needensuring against town-cramming or unacceptable impact on the planned character or neighbourhoods or residential amenity."* Housing policy H3 states that all housing development should provide a mix of dwelling types and sizes to address local housing needs and market demand. Policy H4 requires 40% affordable housing from all residential developments. In addition 10% low cost housing is required on developments for 15 or more dwellings. These targets will apply unless evidence can be provided to show that the site cannot support those requirements from a viability perspective and that the development clearly meets a demonstrable need.
- 6.17. Policy ENV5 requires development to make provision for open space and recreational facilities and policy ENV8 seeks to ensure development does not increase the risk of flooding elsewhere.
- 6.18. In respect of sustainability, policy ENV6 requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes. In addition, the site is within a priority area for District Energy Networks and policy ENV7 encourages the delivery of district energy networks and associated infrastructure or low carbon energy approach for new development.
- 6.19. ENV9 identifies Crawley as an area of serious water stress and requires all new dwellings where technically feasible and viable to meet BREEAM Excellent including addressing maximum water efficiencies under the mandatory water credits.
- 6.20. ENV10 seeks to prevent unacceptable risks from environmental pollution and land contamination. 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.
- 6.21. ENV11 seeks to protect people's quality of life from unacceptable noise impacts and manage the relationship between noise sensitive development and noise sources. Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses will not be exposed to noise impact that would adversely affect the amenity of existing and future users. Further guidance is also provided in the Crawley Local Plan Noise Annex. (Appendix x)

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- 6.22. In relation to infrastructure, policy IN1 seeks to ensure development will only be permitted where it is supported by the necessary infrastructure on site or through off site mitigation and that CIL will be sought through the relevant processes
- 6.23. Policy IN2 requires all development to be designed to be connected to high quality communications infrastructure to ensure fibre optic or other cabling does not need to be retrofitted.
- 6.24. Policy IN3 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 seeks to ensure development provides the appropriate amount of car and cycle parking to meet its needs assessed against the Council's car and cycle parking standards. For residential development standards are based on the accessibility of the area, the levels of car ownership and size of any new dwellings.

Supplementary Planning Documents - Other Material Considerations:

'Town Centre' SPD – adopted October 2016 (TCSPD)

- 6.25 This document provides guidance and advice the builds on the LP policies relating to the town centre. It provides further guidance on proposals for new residential uses in this care 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. Relevant extracts of the document are attached at **Appendix X**.

'Green Infrastructure' SPD (adopted October 2016) (GISPD)

- 6.26 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 UDSPD and in respect of considering landscaping as part of high quality design. Relevant extracts of the document are attached at **Appendix X**.

'Planning and Climate Change' (adopted October 2016). (PCCSPD)

- 6.27 This document provides guidance and justification for the sustainability policies in the Local Plan.

'Urban Design' (adopted October 2016) (UDSPD)

- 6.28 This document includes further guidance and examples and explanation of the principles of good urban design, (as set out in policy CH2), public realm design and sets out guidance on outdoor amenity space standards.
- 6.29 The document states that sustainability, safety and health are just as important considerations for designing a successful urban environment (para 2.11). 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"*. (para 2.13). The document explains that building heights in Crawley has been dictated by the history of the town and new development should show consideration of the scale and massing of its immediate surroundings. Proposal should show consideration of existing and important views, relationship to human scale, possible wind tunnels and overshadowing and consideration of existing trees/hedges (para 2.14 and 2.15)

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- 6.30 The document provides guidance on avoiding harmful neighbour impacts including:
- Maintaining a 10.5m separation distance between a blank gable and any elevation serving habitable rooms on adjoining properties (para 3.19)
 - Maintaining a separation distance of 21 metres between windows of opposing dwellings to avoid potential overlooking and privacy issues and 30m distance for three or more storeys (paras 3.25)
 - Applying light angle tests to assess the impact on an extension on the outlook of neighbouring dwellings (para 3.29-3.31)

The document makes clear (in para 3.50) that many of the design principles which have been quoted as householder examples are also relevant to new residential developments.

- 6.31 In respect of external space standards the document states that for flats a usable private amenity space should be provided for residents and that balconies can be a good solution, these may not be appropriate in all contexts and that a semi-private communal space may be more suitable. Paragraph 3.54 provides detail on the Shape and position of amenity space provision. It states:
- “(i) The shape and position of all private and semi-private outdoor space, whether individual or communal areas must not be such that it could give rise to problems of lack of privacy or other forms of annoyance to residents of adjoining property or where it is a communal area, to residents of the development itself.*
- (ii) The shape and position of all private outdoor space, whether individual or communal areas, should have regard to daylight, sunlight and the overall usability due to overshadowing from trees. Problems of fumes and noise from roads or other adjacent development should also be considered.*
- (iii) The shape and position of all private outdoor space, whether individual or communal areas, should not have its access or use seriously prejudiced by parking areas, access roads, dustbin and fuel stores or any other facility.....”*

- 6.32 Paragraphs 3.55 to 3.60 provide guidance for new flats supplementing the guidance in policies CH2 and CH3 of the LP. The following relevant points are made:
- Flats should integrate new residents into the existing community with design elements such as entrances and private spaces which are legible 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. Additionally, issues such as lift overruns and services should be considered early on and designed into the overall scheme.”*
 - Quality detailing creates building with more character and visual interest.
 - Parking should meet the adopted standards.
 - Management plans should be provided for any the building itself and for any amenity space within the development.

- 6.33 The document provides guidance on approaching development within conservation areas suggesting amongst other things that the relevant Conservation Area statement is considered and its recommendations incorporated and reviewing the guidance provided by Historic England (para 4.10). A heritage impact checklist is provided as a basis for consideration of heritage issues in Appendix A.

- 6.34 The document summarises the character of the High Street Conservation as:

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“Crawley High Street was first designated as a Conservation Area in November 1986. The site on which the Conservation Area is based has a long history, dating back to Norman times and beyond. The High Street includes a number of features which contribute to its character and setting. In particular, the buildings and open spaces have a unique relationship to one another. The area is characterised by a number of prominent features, including the area in front of The George known as The Square, the wooden gallows, Broad Walk Piazza, and the War Memorial. The character and appearance of the Conservation Area is a result of the existing mix of spaces, building types and styles and the variety of land uses present. The High Street enjoys an open street character with uniform building lines and unobstructed views along the main north-south axis as well as east-west down perpendicular streets. Buildings lining the street are three storeys in height and maintain a vertical emphasis. Traditional or historical buildings are the dominant building style along the street.”

6.35 The adopted parking standards are contained in Annex 1 of this document, the minimum indicative parking standard for this development is 1 space per dwelling. The guidance also states that hotels and guesthouses should have a standard of 1 car parking space per bedroom. Provision should also be made for disabled parking (5% of total parking provision) and cycle parking. Cycle parking standards for residential are

- 1 space per 1 bedroom dwelling and,
- 2 spaces per 2 bedroom dwelling and,
- 1 visitor space per 8 dwellings.

6.36 Relevant extracts of this document are attached at **Appendix X**.

‘Affordable Housing’ SPD (adopted November 2017). (AFSPD)

6.37 This document provides guidance on the requirements of policies H3 and H4 in the Crawley Borough Local Plan and in particular when affordable housing would be sought from residential development.

6.38 Part 4 of the document deals with alternative arrangements and expects developers to fully explore ways of addressing the affordable housing requirements with the LPA where there are viability issues. Where a development cannot meet the policy requirements, applications are required to be supported with a viability assessment (which is to be independently reviewed) as an open book assessment at the expense of the developer.

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

6.39 While much of this document is now quite outdated in terms of Development Plan objectives, the document 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 George hotel is identified as a key heritage asset with the CA. The ‘Design Advice for new development’ includes:

- *“Views and Vistas - Proposals for new development should not restrict views north or south of the High Street or east and west from St Johns Church, Ifield Road, Broad Walk and Church Walk....Proposals for new development should be designed so that they create new views or secure and enhance existing views.”*
- *“Scale and Proportion - Proposals for new development should not normally be more than 3 storey’s in height.....New development should not dominate the skyline of adjacent properties.”*
- *“Modern vs Traditional Style - Proposals for new development should be of a design which is sympathetic to its surroundings and which does not dominate the street scene or change the perception of the area as an historic street.”*

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Relevant extracts of this document are attached as **Appendix X**.

PUBLICITY AND CONSULTATIONS

- 7.1 Once validated the LPA carried out the required consultation on the planning application.
- 7.2 The application was advertised by press and site notices (copies of which were provided with the appeal questionnaire).
- 7.3 The following consultees were consulted and a summary of their response is set out below. A copy of the full responses provided has already been supplied with the Appeal Questionnaire/
 1. GAL - Aerodrome Safeguarding - No objection subject to a condition and informative.
 2. Environment Agency - No objection subject to conditions.
 3. WSCC - Highways - No objection following re-consultation on amended information - subject to conditions and informative.
 4. Historic England - No specific comments - recommends LPA seek views of specialist conservation and archaeological advisors.
 5. National Air Traffic Services (NATS) - No objection.
 6. Thames Water - Advice provided. No objection subject to conditions and informatives.
 7. Sussex Building Control Partnership - No comments received
 8. Police - No comments received
 9. CBC - Drainage Officer - No objection (recommendations made would need to be secured via condition).
 10. West Sussex Fire Brigade - No comments received.
 11. CBC - Housing Enabling & Development Manager - No comments received
 12. CBC - Planning Arboricultural Officer - No comments received
 13. UK Power Networks - No objection
 14. CBC - Environment Team - No comments received
 15. CBC - Contaminated Land - No comments received
 16. CBC - Environmental Health - Objection
 17. Cycle Forum - Advice provided - Advice provided.
 18. CBC - Refuse & Recycling Team - Advice provided - further details requested
 19. Southern Water Ltd - Advice provided and information recommended.
 20. CBC - FP - Energy Efficiency & Sustainability - Objection
 21. CBC - FP - Urban Design - No comments received.
 22. Listed Building / Heritage Advisor - Objection
 23. Archaeology Advisor - Site within identified Archaeological Notification Area related to Historic Core of Medieval Crawley - No objection subject to condition
 24. WSCC - Surface Water Drainage (SWD) - No objection/ advice provided including on SuDs which would need to subject to a planning condition.
 25. CBC - FP - Housing - No comments received
 26. Central Crawley CAAC - Objection on 2 aspects.
 - 1) 4 storey development adversely affects setting of George hotel frontage - the east elevation is unacceptable from the High Street.
 - 2) The proposal ignores 10 Ifield Road and massing of development dwarfs the listed building.
 27. CBC - Economic Development - No comments received

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- 7.4 In addition to the notifications listed above, one third party representation was received raising comments about the usability of the development from a cyclist's perspective. This comment is also attached to the appeal questionnaire.

PLANNING CONSIDERATIONS

- 8.1 The LPA consider the starting point for the determination of this appeal is to comprehensively address the key issues as is would have done in any officer report it would have presented to Planning Committee. This section of the statement addresses the key planning issues. The key considerations in relation to this development are considered to be :
- Principle of the development
 - The Building design, impact on setting of nearby listed buildings, the High Street Conservation Area and street scene (including loss of trees)
 - Adequacy of the accommodation for future occupiers (Space / layout / outlook /noise environment)
 - Impact on neighbouring properties
 - Access /parking / servicing and operational requirements
 - Ground conditions (archaeology, drainage, contamination)
 - Sustainability
 - Affordable housing provision and S106 requirements

Principle of development

- 8.2 The appeal site uses are currently a residential dwelling and a car wash and remainder as a hotel car park /service area. The site is within town centre boundary, main employment area and the High Street Conservation Area.
- 8.3 It is considered that the principle of redevelopment of this site is acceptable, the proposal would result in a more efficient use of land increasing the number of residential units on the site. The loss of the car wash (employment use) is not considered to undermine the main employment function of the town centre and the appeal proposal as described states that the hotel use would be unaffected by the changes to its car park and service arrangements and therefore this economic use would remain.
- 8.4 The proposal would result in a more efficient use of brownfield land which the development plan policies supports in principle. The site location within the High Street Conservation Area also does not prevent redevelopment provided this protects the heritage assets in the vicinity of the site. Residential use is also acceptable in principle provided the development addresses all policy requirements including safeguarding the amenity of new residents and neighbours.

The Building design and impact on setting of nearby listed buildings, the High Street Conservation Area and street scene (including loss of trees)

- 8.5 The appeal site is located within the Conservation Area and the car park area is within the curtilage of the Grade II* listed George Hotel. The site also fronts onto Ifield Road which is one of the historic routes into the High Street. Immediately opposite the site is 10 Ifield Road, a Grade II listed property and further east along Ifield Road are the listed and locally listed buildings of 44-48 High Street and nos 1-4 Ifield Road.

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- 8.6 The appellants have provided a Heritage Statement with the application and this information was considered by the Listed Building / Heritage advisor appointed by the Council. In the consultation response she has raised concerns about:
- the mass and scale of the building and its dominance of the street scene and in particular on the setting of 10 Ifield Road;
 - The impact of the building above the historic built form in the High Street (and how any visible roofscape would be detailed);
 - The lack of information about roof plant and other roof paraphernalia which would visually conflict with the architectural quality of the historic built form;
 - The potential visibility of lift shafts, solar panels and other roof equipment from views at the junction of the High Street and Ifield Road as this detail is not clearly provided on the elevations;
 - The submitted heritage statement fails to address the significance of the designated heritage assets or make any assessment of impact (contrary to para 128 (now 189) of the NPPF);
- 8.7 The appellants did provide some additional information in an attempt to address these concerns however the information was still inadequate and they were advised of this.
- 8.8 It is considered that the views and perspectives provided by the appellant reinforce the excessive scale and massing of the development when viewed from Ifield Road and the dominance of a building of this scale and proportion on the setting of 10 Ifield Road.
- 8.9 In respect of the impact of the building in the wider streetscape, it is considered that the scale, massing and siting of the building is detrimental to the character and appearance of Ifield Road which is a key pedestrian thoroughfare to the High Street. The scale and massing of the existing buildings along Ifield Road are considerably smaller in height and proportions. The building would appear excessively bulky in height and depth. It is considered that the appellants have failed to properly address the site context, relying too much upon the taller development on the western side of Pegler Way as justification for a larger scale design and failing to address the immediate streetscape and key views on the east side of Pegler Way, in particular Ifield Road and from within the Conservation Area.
- 8.10 The impact of the roof plant and roof paraphernalia on the appellants design is also unclear, this lack of detail has potential to detract from the overall design of the flats but also impinge on impact on views within and around the Conservation Area and the setting of 10 Ifield Road.
- 8.11 While in terms of the design, the detailing of the proposed building itself is not poorly articulated and has good palette of materials it is considered however that the appellants have not adequately demonstrated through the information provided how the design relates appropriately to its surroundings.
- 8.12 Based on the concerns as set out above, the LPA consider that it were to determine the application it would refuse it for the following reasons:
1. **The proposed development by virtue of its scale and massing is harmful the setting of the Grade II listed building of 10 Ifield Road contrary to Section 16 of the NPPF and policies CH12, CH13 and CH15 of the Crawley Borough Local Plan 2015-2030.**
 2. **The proposed development fails to address the significance of the designated heritage assets in the vicinity of the site as it does not make any assessment of impact, the**

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proposal therefore fails to accord with NPPF paragraph 189 and policies CH12, CH13, CH14 and CH15 in the Crawley Borough Local Plan 2015-2030.

3. **The proposed development by virtue of its scale, massing and siting is harmful to the visual amenities of Ifield Road and to the character of the High Street Conservation Area contrary to Section 16 of the NPPF and policies CH2, CH3, CH12, CH13 of the Crawley Borough Local Plan 2015-2030 and the advice with the Urban Design SPD and the High Street Conservation Area Statement.**

- 8.13 The appeal proposal would result in the loss of all trees within the application site and one yew tree in a raised bed immediately to the south of the site boundary. In total (and based on the site survey provided by the appellants) there are 20 trees within the site to be removed (3 holly trees in the garden of no.11 Ifield Road), 1 ash, 1 fir and 4 sycamores to the rear of the public toilets and a row of 8 conifer and 3 yew trees (including the WSCC tree) along the Ifield Road boundary.
- 8.14 The appellants have failed to address the loss of tree cover within their submission and the impact that this would have on the character of the conservation area however, the LPA consider that with the possible exception of the yew tree, the other trees within the site are of a limited quality and their loss would not undermine the character of the conservation area or the street scene of Ifield Road. Most of the trees are poor quality and due to their planting as hedgerow and screening are suppressed. It is considered that subject to suitable mitigation being provided in accordance with the standards set out in CH6 and the Green Infrastructure SPD that in this case in the town centre location off-site tree mitigation would be appropriate. This would need to be secured through a Section 106 agreement (as detailed later in **section XX** of this statement).

Adequacy of accommodation for future occupiers

Space / layout / outlook

- 8.15 The floor areas of proposed flats comply with Nationally Described Standards (assuming the studio flats have a shower room) although it is noted that many of the units are designed to meet the exact minimum standard. Many of the units are designed as single aspect flats and there is concern about the outlook, privacy and amenities for some of these occupants.
- 8.16 It is considered that the layout and design of the studio flats do not provide a suitable environment. The accommodation layout would result in a dark rooms, the outlook of which is limited. While a balcony is provided, this key window faces to the hotel room block which is approximately 13m separation distance to its nearest bedroom windows. It is considered this level of separation is not adequate to provide sufficient privacy to these occupiers and is contrary to the UDSPD.
- 8.17 There is concern that many of the single aspect flats facing the courtyard would receive limited sunlight due to the shadow of the building and they would have a poor outlook onto an unlandscaped service yard. One ground floor bedroom window would receive no sunlight and limited daylight as it is set back under the undercroft, is north facing and would have an outlook onto the parking area.
- 8.18 The south and west elevations of the development face Ifield Road and Peglar Way respectively. These units at ground floor level have their amenity areas and windows directly adjacent to the pavement. The building is within 0.5m of the back edge of the pavement at its closest point and it is considered that the proposed design and layout does not protect the privacy and amenities of these future occupants as these units would be overlooked and feel insecure. The lower balcony

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recesses would not be usable or a pleasant environment for residents to use with passing pedestrians walking so close to these areas.

8.19 In conclusion it, the appellant's layout is poorly considered and fails to provide suitable outlook, privacy and amenity for future residents. The LPA consider that if it were to determine the application it would refuse it for the following reason:

- 4 The proposed development by virtue of its siting, layout, design and its proximity to the northern hotel accommodation block would result in an unsatisfactory environment for future residents due to poor outlook, inadequate amenity space, lack of privacy and lack of defensible space contrary to the NPPF Sections 8 and 12, policies CH3 and CH5 of the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.**

Noise

8.20 Policy ENV11 seeks to protect future residents from unacceptable noise impacts and requires that a noise impact assessment is provided. The appellants provided a noise report as part of their application. The site is adjacent to a busy dual carriageway which is a major noise source in the surrounding area. There is also a busy pedestrian crossing immediately to the southwest of the site which draws pedestrians and activity towards the northern footpath along Ifield Road adjacent to the appeal site.

8.21 The findings in the noise report confirm this is a very noisy location, the CBC Environmental Health Officer has concluded that the noise levels experienced at the site would be detrimental to the human health and welfare of the future residents and recommends refusal based on the current development layout.

8.22 It is considered that the layout of the development as designed which proposes single aspect flats directly facing across to Pegler Way (and to a lesser degree Ifield Road) has failed to consider the noise environment for future residents within the flat design and that inadequate consideration has been given to the best ways to mitigate the noise impact to provide an acceptable living environment. The appellant's noise report makes no reference to the adopted CBLP, the requirements of policy ENV11 and its noise annex. The development is therefore contrary to policy ENV11 of the CBLP.

8.23 In conclusion, the LPA consider that if it were to determine the application it would refuse the application for the following reason:

- 5 The proposed development by virtue of its siting, design, layout and lack of mitigation would result in a development with dwellings that would be exposed to unacceptable levels of noise to the detriment of the health of future residents contrary to Section 15 in the NPPF, policies CH3 and ENV11 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.**

Impact on neighbouring properties

8.24 The nearest residential property is Shaw House immediately to the north of the side. This former office is in the process of being converted to residential. 5 of the proposed units have principle windows and balconies which face directly south onto the application site. The proposed separation distance between the buildings is between 2.6m and 5.6 m. While there is no window to window concerns in respect of privacy and overlooking (as the appeal proposal has no windows in its north facing elevation), the outlook for these new flats in Shaw House would be

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dominated by a 4 storey wall. This would take light and is considered dominant and overbearing causing harm to amenities of these future occupiers. The proposal is therefore in conflict with policy CH3 of the CBLP and the advice set out in the Urban Design SPD.

- 8.25 There is residential flatted development to the west (Apex House) and southwest (Peglar Court) of the site. The appeal development is not considered to cause any harmful impact to the amenities of these residents. Peglar Way and the roundabout are significant intervening features between the appeal site and these flats (closest facing distance is 25m), this is considered sufficient separation to safeguard amenities.
- 8.26 The nearest residential property in Ifield Road is no 10 which is directly to the south of the appeal site. The front windows of No 10 Ifield Road would be approximately 15m away from the proposed south elevation of the flats (which contain windows and balconies) and due to the layout of the dwelling these are the principal windows for the main habitable rooms within property. Given this property fronts onto Ifield Road which is already a busy street, it is not considered that the proximity of the windows in the new development would not result in a harmful loss of privacy in this case. It is considered the outlook from 10 Ifield Road would be dramatically altered with the scale and bulk of proposed flats to the north however, given that the appeal development is to the north of the property, it is not considered that the flats despite their scale and massing would result in any loss of light or additional shading to the principal windows of this dwelling. On balance, it is not considered there would be a harmful impact on the amenities of these occupiers as a result of the development.
- 8.27 There is not considered to be a harmful relationship from the appeal building to amenities of hotel users or the restaurant / bar uses in terms of dominance or overlooking.
- 8.28 In conclusion, the LPA consider that if it were to determine the application it would refuse the application for the following reason:

6 The proposed development by virtue of its scale, massing and proximity to Shaw House would have a detrimental impact on the amenities of these future occupiers due to loss of light and outlook to their south facing windows contrary to policy CH3 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.

Access /Parking / Servicing and Operational requirements

- 8.29 Vehicular access to the site would be via a redesigned access onto Peglar Way, this route would serve both the new flats and the rear entrance to the George Hotel. WSCC Highways have raised no objection to the proposals and have confirmed that the access and the car parking layout would be adequate to allow for refuse and other large vehicles to turn within the site.
- 8.30 44 parking spaces are provided, 10 for the flats and the remainder for use by the hotel guests. The proposal does not meet the adopted parking standards set out in the UDSPD which require 1 space per dwelling and 1 space per hotel room.
- 8.31 In respect of the hotel which is understood to have 79 bedrooms, the car park as existing has a maximum capacity of 44 spaces (it is not clear if this number includes the space given over the car wash). The appeal proposal would leave 34 spaces available for the hotel. Given the highly accessible and sustainable location of the appeal site with good links to public transport, it is not considered that this shortfall in car spaces for the hotel would result in parking or access problems for the hotel that would compromise its future operation. There is no evidence this car park has ever been used at capacity.

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- 8.33 In relation to the residential use, 10 spaces are proposed (a shortfall of 28 spaces). While this shortfall is considerable, the standards are an indicative minimum requirement and in this case 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. A condition is proposed to secure a travel plan, the obligations of which the appellants have indicated could be incorporated into a S106 Agreement.
- 8.33 The appellants have provided no information on how the limited car parking would be managed except for stating that for residents it would be available on a first come, first served basis. While the lower level of parking is considered acceptable in principle for residential uses in this location, there are concerns at the lack of a car parking management strategy for this shared car park. This could impact on the spaces available for the hotel and its guests which in turn would have a potential impact on its attractiveness and viability if there is a lack of parking spaces for its customers. It is likely that future residents would choose to park in hotel spaces if these were readily available and there was no measures to prevent this. It is considered that this matter could be resolved through a condition requiring a car park management plan.
- 8.34 Furthermore, it not considered that the appellants have demonstrated that the future operational requirements of the existing hotel have been safeguarded. It is unclear precisely when and how this hotel is serviced and whether deliveries to the site would cause a noise impact to future residents. This matter could be resolved through a condition requiring a car park management plan.
- 8.35 The CBC refuse and recycling team have commented that the bin stores are adequate but were concerned that entrance way may not have sufficient clearance to allow a refuse vehicle to enter and that there was no detail to demonstrate a vehicle could turn on site. Amended / additional information was provided by the appellants and both points raised have now been adequately addressed.
- 8.36 It is considered that the proposed layout does provide improved access to the site for pedestrians and cyclists with a footpath provided alongside the Pegler Road access and new footpath created onto Ifield Road. The cycling provision for the flats is secure and accessible and is compliant with the adopted standard.
- 8.37 The cycle forum noted that there was no cycle provision made for hotel visitors and staff in the service yard. It is considered that this point could be addressed via a suitable condition and some further stands could be provided to serve visitors to the flats who may not have access to the secure resident cycle storage.

Ground conditions (archaeology, drainage, and contamination)

- 8.38 The appeal site is located within an Archaeological Notification Area. The Archaeological Advisor was consulted and has commented that it was disappointing to note that no comprehensive archaeological assessment have been produced to accompany the application and no evidence of consultation with the Historic Environment Record. Notwithstanding these comments, she has recommended that a pre-commencement condition could be applied for further archaeological work to be carried out prior to the implementation of any planning permission.

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- 8.39 The appellants have provided a contamination report, the contaminated land officer has confirmed no objection subject to condition, his comments are attached at **Appendix X**.
- 8.40 The drainage details provided by the appellants are considered adequate by both drainage consultees subject to conditions.

Sustainability

- 8.41 The application was submitted with an accompanying Energy and Sustainability Statement. This has been reviewed and a number of discrepancies have been highlighted with its contents in particular with the assessment which seeks to justify the developments energy requirements and building performance under policy ENV6. The report has also failed to demonstrate compliance with policy ENV7 which requires development to consider a hierarchy of options to use decentralised energy or connect to a decentralised energy network.
- 8.42 It is accepted that the appellants may be able to address this issue satisfactorily prior to the Hearing but in the absence of this information, the LPA consider that if it were to determine the application it would refuse the application for the following reason:

- 7 The proposed development fails to address adequately 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.**

Affordable Housing Provision and S106 requirements

- 8.43 In respect of any affordable housing and other contributions, these would need to be secured through a S106 Agreement. The LPA had not initially sought an independent assessment of the viability report as it was expected that the scheme would need to be revised and therefore this report would have need to be amended. This report needs to be independently scrutinised.
- 8.44 The appellants would also need to enter into a section 106 Agreement to secure the necessary open space contribution, tree mitigation contribution and secure the measures set out in their draft travel plan.
- 8.45 With the cooperation of the appellants, these matters could all be resolved and a S106 concluded prior to the Hearing but in the absence of this information, the LPA consider that if it were to determine the application it would refuse the application for the following reason

- 8 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 SPD, the Affordable Housing SPD and the Developer Contributions Guidance Note.**

9 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 9.1 *<<This section is to be added into the draft report. It will take the form of a written statement explaining in more detail the points of concern for each of the issues set out in the planning*

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considerations section of the statement which are highlighted as the refusal reasons. It will provide further substantive justification on each refusal reason.>>

10 OTHER MATTERS

Community Infrastructure Levy and Other Infrastructure Contributions

- 10.1 Policy IN1 of the Crawley Borough Local Plan 2015-2030 requires developments to make provision for their on and off site infrastructure needs and confirms that the Council will be implementing a Community Infrastructure Levy (CIL). Crawley's CIL took effect from 17 August 2016. The adopted Charging Schedule sets a rate of £100 per square metre of net additional floor-space. On the basis that the floor space increase would be XXXsqm the potential CIL contribution from the development could be circa £XXX before any exemptions are applied.
- 10.2 In addition to any monies that are payable through the CIL levy, in the event that the appeal is allowed, the Local Planning Authority consider that a S106 Agreement is required to ensure the other infrastructure contributions required to deal with other policy requirements in the local plan and other local constraints are addressed. The 'Developer Contributions Guidance Note' is attached at **Appendix X**. A Section 106 agreement is required to secure the following:
- tree mitigation infrastructure contribution;
 - open space mitigation infrastructure contribution;
 - the implementation of measures contained within the submitted Travel Plan,
 - affordable housing <<(subject to the outcome of the viability assessment)>>
- 10.3 The requirement for tree mitigation is set out in the Green Infrastructure SPD stemming from the requirements detailed in Local Plan policy CH6. One tree per new dwelling created would need to be provided on site or as payment in lieu (£700 per tree) of this provision. If the development were permitted there would be a net increase of 37 dwellings on the site. The policy also requires payment for any existing trees lost as a result of the development. Based on the site survey plan provided (with the drainage strategy) a total of 20 trees would be lost. A survey would need to be undertaken to establish the girth of the trees and whether the tree lost should be replaced on a more than 1 for 1 basis. A formula for calculating the appropriate payment will need to be included in any S106 Agreement as the basis for the commuted sum. The calculation is as follows:
- (net increase in residential units (37) plus number of trees to be removed from site(based on CH6 calculation) x £700).
This would give a minimum contribution (assuming all trees lost are replaced on a 1 for 1 basis) of £39,900. An extract from this SPD setting out the methodology for this tree mitigation payment is attached as **Appendix X**.
- 10.4 There is also a requirement for open space mitigation as the site would not provide open space for future residents. Policy IN1 also specifically applies to open space, parks and play space and as no open space provision is made on site the impacts off-site need to be considered on a site by site basis. Based on the assessed level of occupation of the building the potential contribution towards Open Space would be £12,136 (comprising £8,806 for provision of children / teenager and £3,330 for allotments). This figure and its methodology is set out in **Appendix X**. The justification is set out in Part 4 of the Green Infrastructure SDP (relevant extracts attached at **Appendix X**).

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10.5 << The submitted Travel Plan accompanying the application contains a series of measures all of which are considered necessary in the opinion of the Local Planning Authority to mitigate the impact of on-street parking and encourage sustainable transport choices. The document recommends that the implementation of the plans should be secured through a S106 Agreement. Need to check the details>>

10.6 It is therefore considered that the S106 requirements are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They therefore comply with the requirements set out in CIL Regulations.

10.7 It is the intention of the Local Planning Authority to work with the appellant prior to the Hearing if there is agreement that a S106 can be entered into to address these requirements.

11 CONCLUSION

11.1 For the reasons set out above, the appeal proposal is considered to be harmful for the following reasons:

<<These refusal reasons to be summarised as the conclusion>>.

11.2 The starting point for the determination of the appeal are the provision of the development plan and in this case the proposal is considered contrary to the policies listed in paragraphs XXXX above. The Inspectors is therefore respectfully requested to dismiss the appeal.

11.3 If the Inspector is minded to allow the appeal, the Local Planning Authority recommend that the conditions set out in **Appendix X** be imposed. It is anticipated that these conditions will be discussed in more detail with the appellants and a final version of the conditions included in the statement of common ground.

Recommendations

APP/2018/0008/NON

The following conditions are recommended should the application be granted permission by the Planning Inspectorate: **(To be attached)**

-