

Appeal Decision

Hearing held on 4 October 2016

Site visit made on 4 October 2016

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 November 2016

Appeal Ref: APP/Q3820/W/16/3147509

**First Choice Holidays & Flights Ltd, First Choice House, London Road,
Lowfield Heath, Crawley, RH10 9GX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Boston Mews Property Company Ltd against the decision of Crawley Borough Council.
 - The application Ref CR/2015/0446/FUL, dated 25 June 2015, was refused by notice dated 10 November 2015.
 - The development proposed is for 12 new units on ground floor car park and new bin store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted amended plans, 30-PL-02-PL4 and 30-GA-01-BC6. These plans make changes to the layout to include patio areas for some of the flats, revisions to the parking layout and repositioning of the bin store. The Council has had the opportunity to consider these plans and its appeal statement responds to them. Therefore, I am satisfied that no one would be prejudiced by my taking these plans into account. The appeal is considered on this basis.

Background and Main Issues

3. The parties have drawn my attention to the previous decisions for residential prior approval¹. I understand that there is disagreement regarding the number of units and their status. Nevertheless, the proposal before me seeks to create 12 new units at the ground floor level. The issues relating to the prior approval process and its implementation are a separate matter. My consideration of this scheme is on its individual merits.
4. Accordingly the main issues are:
 - The effect of the provision of further residential units on the business function of Manor Royal;

¹ CR/2013/0359; CR/2014/0524

- Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal space standards, provision of outdoor space and parking and noise and disturbance;
- The effect of the proposal on highway safety;
- Whether the proposal would make appropriate provision for infrastructure.

Reasons

Effect of the provision of further residential units on the business function of Manor Royal

5. The site is located within the Manor Royal Employment Area (MREA). I understand from the submissions made that the majority of the building is in residential use. Nevertheless, I am considering a further 12 units. As such I consider the effect of this further residential accommodation.
6. The Council's policy EC3 of the *Crawley Borough Local Plan 2015-2030* (LP) is relevant. It was explained at the Hearing that this policy seeks to support business use. More specifically the Council explained that they are seeking to protect employment land. In particular the Council is concerned that the addition of a further 12 units in this location would further constrain employment uses.
7. First Choice House is located on the east side of the A23. It is located to the northern edge of the MREA. Beyond the appeal site to the north is the IBIS hotel. The appeal premises and the hotel appear as the final significant buildings travelling north out of the MREA. In this regard the appellants pointed out that there are not any significant noise generating uses in close proximity. This was not disputed by the Council.
8. The addition of 12 further units would not lead to the loss of employment land. Taking into account the sites position on the northern edge of the MREA, its neighbouring uses and the scale of the development I do not consider that the change of use of an existing car parking area to residential units would impact adversely on the future function of the MREA as a whole. In this regard the appeal scheme would not undermine the function of the business district. I therefore conclude that the proposal would not have a harmful effect on the business function of Manor Royal. It would not be in conflict with LP policy EC3.

Living conditions for future occupiers

9. The appellants have provided amended plans, detailed at paragraph 2. The Council's concerns relate to the internal space provided for flat 2 and flat 5. There is no dispute that these two units would be below the national space standards and the requirements of policy CH5 of the Submission Local Plan (SLP). The appellants suggest that flat 2 could be made into a studio. I appreciate that this would reduce the conflict with the space standards. Nevertheless it would remain below.
10. The plans show that some of the new flats would have patio areas that could be directly accessed. The remainder would be reliant upon the communal garden area and I understand that at ground floor to the front and side cladding would be removed, opening these areas up. However, whilst the patio

areas would relate directly to some of the units they would also be positioned adjacent to parking spaces. To make the areas private some form of enclosure would be required. I understand that this could be resolved. Nevertheless, these areas would be in close proximity to the main vehicle access and wider parking area for the site. The main pedestrian access to the building is also at the rear via the foyer. As such these areas would potentially be subject to regular vehicle and pedestrian movement. The majority of the flats would be reliant upon the 'communal' garden area. This area could be landscaped. However its limited size and position to the north of the building would diminish its attractiveness as a space for residents to use. Consequently, the areas proposed would be of a poor quality and quantity and would not meet the aim and purpose of the Council's policy and would not be pleasant to use.

11. There was agreement that the matters regarding noise could technically be resolved by upgrading the specification of the acoustic glazing proposed. This would remove the need for an acoustic fence facing the A23 which would have been visible from some of the flats.
12. Therefore, whilst I note that technically the appropriate internal noise environment could be achieved. Further when taken alone the issues regarding internal space standards may not have been decisive. However, in combination with other issues this shortfall would contribute to an unsatisfactory living environment for future occupiers. The flats would have a poor communal garden area and the areas provided at ground floor would not be pleasant to use. These factors in combination lead me to conclude that the building would not provide suitable living conditions for future occupiers. Therefore it would conflict with Saved Policies GD1, H20, H22 of the Local Plan, CH3 and CH5 of the SLP and SPD notes 3 and 4, which amongst other things require all new dwellings to create a safe and sustainable living environment and require new development to provide a good standard of amenity for all future occupiers of land and buildings.

Highway safety

13. At the Hearing the Council accepted that it was satisfied on the matter of parking provision on site. The outstanding issue between parties related to the arrangements for refuse collection. The appellants explained that the current refuse collection is managed by the concierge. There is a layby at the front of the site and I have been provided with information regarding how this could be used by a large refuse vehicle. The appellants pointed out that it would be preferable to undertake refuse collection from within the site. I have been provided with a swept path analysis for this. This indicates that provision in this manner would impact on the site layout, in particular patio areas and parking spaces. Nevertheless, based on the information before me, I am satisfied that had I been minded to allow the appeal that a satisfactory means of waste management and refuse collection could have been secured by way of a suitably worded condition.
14. I therefore conclude that the proposal would not have a harmful effect on highway safety. It would not be in conflict with SLP policy IN4, LP policy GD3 and Core Strategy (CS) policy T3 which amongst other things require new development to meet the requirements necessary for the safe and proper use of a site or building.

Infrastructure

15. The Council's decision refers to the absence of an 'agreement' to ensure that 'appropriate infrastructure' is in place to support the development. The statements made by the Council and West Sussex County Council clarify the contributions that are sought. Further at the Hearing it was agreed that a library contribution, fire and rescue contribution, fire hydrant and total access demand are not necessary in this case.
16. Therefore the contributions being sought relate to education, open space and Manor Royal Area contribution. I have been provided with a signed and dated unilateral undertaking that would secure the education and open space contributions.
17. Paragraph 204 of the Framework sets out that planning obligations should only be sought where they 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. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
18. It is the County Council's policy to seek contributions toward additional education infrastructure where a 'locality' of schools have 95% of their capacity occupied. In this case the secondary school in the locality and its feeder primary schools are both shown to be overcapacity. Based on the fact that the County Council consider that the proposal would increase pupil numbers contributions are sought. Therefore the implication is that if the development went ahead then any need arising for it would put pressure on a service that is already at capacity. This would be a need directly related to the proposal. Therefore I agree with the Council that an education contribution would be directly related to the development.
19. The appellants do not question the process for calculating the level of contribution. Their concern relates to the way in which the contribution would be spent and therefore the necessity of the contribution. The contribution would be needed to mitigate the effect of the proposal at the identified schools. I understand the appellants concerns regarding how it would be used. Nevertheless based on the information before me, overall, it would be necessary. Therefore the relevant CIL tests would be met in this case.
20. The Councils policy seeks open space contributions from developments of 10 or more dwellings. In this case provision could not be made on site. Therefore a commuted sum is proposed. Such provision would be directly related to the needs of future residents of the development. The Council has identified that be used to assist provision of a pocket park in the County Oak Area. This contribution would be necessary and directly related to the development. Therefore the relevant CIL tests would be met in this case.
21. The Manor Royal contribution is based on the increase in floor area. The Council applies it to all developments in the MREA over 100 sqm. The appeal scheme would exceed this threshold. The Council identify that the contribution would be used to '...support the industrial area and improve the environmental quality of the area', for example signage and workforce amenities. However, the proposal is not for employment floorspace. Taking this and my findings on the first main issue I do not consider that this would be directly related to the

development or necessary in this case. As such I have not taken it into account.

Planning Balance and Conclusion

22. I have found that the proposal would not have a harmful impact on the MREA, there would not be highway safety issues and make appropriate provision for infrastructure. I also note that the provision of 12 units would contribute to boosting the supply of housing in the district in a location considered in general a sustainable location for new housing. However, I have found that the proposal would not provide acceptable living conditions for future occupiers with particular regard to internal space and provision of outdoor areas. In this regard there is conflict with the development to which I attach significant weight. This is not outweighed by the other considerations in this case.
23. For the reasons given and having regard to all other matters raised the appeal is dismissed.

D J Board

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Escott	Robinson Escott LLP
Peter Moore	Peter Moore Acoustics Ltd
Paul Jackson –Cole	Milestone Transport Planning
John Hawker	Boston Meadows

FOR THE LOCAL PLANNING AUTHORITY:

Marc Robinson BSc (Hons) DPTP MRTPI	Crawley Borough Council
Tony Baldock BSc (Hons) MSc CENVH	Crawley Borough Council
Ian Gledhill BSc (Hons) MCIHT MIHE	West Sussex County Council
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copy of the appellants final comments
- 2 16042/TK04 Refuse Swept Path Analysis