

CRAWLEY BOROUGH LOCAL PLAN EXAMINATION

Crawley Borough Council Response to
Inspector's Matters, Issues and Questions

Matter 5: Character and Environment

Issue 1: Crawley's Character

February 2015



Issue 1: Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with NPPF.

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CBC/011 Matter 5: Character and Environment; Issue 1: Crawley's Character Contents:

Issue 1: Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with NPPF.

- 5.1 Are the requirements of policy CH3 proportionate to the scale of development (for example, should certain parts of clause (b) apply to, say, simple householder or change of use proposals)? Is the public art requirement consistent with national guidance in NPPG? Is it appropriate to *require* adherence to supplementary planning guidance which has not been tested at examination?
- 5.2 Do the proposed modifications to the internal residential space standards in policy CH5 accord with emerging Government advice? Are they overly prescriptive? Are the external amenity space standards justified and consistent with national policy?
- 5.3 Are the tree replacement standards of policy CH6 reasonable and justified? Do the modifications proposed to policy CH7 give appropriate flexibility to the structural landscaping requirements?
- 5.4 What is the relationship between policy CH12, which seems to apply to all heritage assets, and the specific policies relating to individual heritage assets (CH13-17)? Are the provisions of CH12 consistent with the later policies?
- 5.5 Are policies CH12-CH17 consistent with NPPF, which requires a balanced and proportionate approach to be taken to the impacts of development on heritage assets according to the significance of the heritage asset and the scale of any harm or loss to the asset?
- 5.6 Do policies CH15 and CH16 properly reflect the different importance of, and protection given to, listed buildings and locally listed buildings as set out in NPPF?

Appendices (separate document)

Appendix A: External Space Standards Sketch

Appendix B: CBC Cabinet Report (2009) Designation of Brighton Road, Southgate, Conservation Area

Appendix C: Urban Design Supplementary Planning Document Flow Chart

Appendix D: Proposed Policy CH15 Modifications

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- 5.1.1 Policy CH3 and its clauses are a consolidation of many of the policies relating to character in the Core Strategy from 2008. This policy will be applied to each development reasonably and according to each development's scale, as well as providing some flexibility to Development Control. In order to make the application of the new Local Plan policies clearer to both the applicants and development control, the Local List is also currently being revised.
- 5.1.2 According to the emerging CBC Local List for planning application validation, which is currently being updated, clauses (a)-(d) of Policy CH3 will not require householder applications to submit any further information in order for the application to be validated, and for major applications these issues will be encompassed in a detailed design and access statement. It is anticipated, for the majority of planning applications, the Development Management Case Officer will be able to consider the application proportionately against the clauses in the Policy on a case-by-case basis on its own merits. However, it is considered that each of the clauses are relevant to all types and scale of development to ensure good design is maintained throughout the borough (for example, even a garden fence can have implications for natural surveillance and fear of crime). Therefore, establishing thresholds within the Policy would be overly complicated for a Local Plan and potentially create unforeseen loopholes.
- 5.1.3 Policy CH3 states that "contributions towards streetscene improvements, public art and CCTV will be sought in accordance with council guidance". This is not a general obligation and only applies where the council has specifically identified and justified such contributions, for example in the town centre. The guidance has been approved following consultation on the Planning Obligations and S106 Agreements SPD¹ and will be re-consulted upon in the emerging S106 and Community Infrastructure Levy (CIL) SPD. Such contributions can help make development proposals acceptable in planning terms – for example, regeneration to encourage investment, mitigation for adverse impacts, crime reduction, legibility, biodiversity, delivering high quality public realm – which are all matters supported by the NPPF and are central to the vision of the CBLP.
- 5.1.4 As stated in Regulations 8 -16 of the Town and Country Planning (Local Planning) (England) Regulations 2012, supplementary planning guidance is used to support the local plan and cannot contradict or substitute the Local Plan policies. The contents in any SPD will refer to, and be in conformity with, existing policies of the plan which

¹ Planning Obligations and S106 Agreements Supplementary Planning Document, page 34 (2008) CBC

Issue 1: Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with NPPF.

will have been tested at examination. Supplementary planning guidance is written to provide further guidance and amplify details relating to the Local Plan policies that are considered too detailed to be included in the Local Plan itself and will be based on existing sound and robust evidence that has been tested as part of the CH Policies. The SPD will be subject to full public consultation, in accordance with the council's adopted Statement of Community Involvement (SCI)², and will be adopted by the council in line with the council's constitution and Scheme of Delegation.

² LP038: Getting Involved... Crawley's Statement of Community Involvement (2011) CBC; and LP039: Getting Involved... In Planning: An Appendix to Crawley's Statement of Community Involvement (2011) CBC

5.2 Do the proposed modifications to the internal residential space standards in policy CH5 accord with emerging Government advice? Are they overly prescriptive? Are the external amenity space standards justified and consistent with national policy?

- 5.2.1 The internal residential space standards are the same as those identified in the Nationally Described Space Standard – technical requirements (Consultation Draft September 2014) for single storey dwellings. For dwellings of two and three storeys the internal space standards in the Local Plan are 3m² higher than those in the Nationally Described Space Standard, which the council believes is reasonable considering Crawley's history in providing functional New Town post World War Two housing. Crawley's urban character is shaped by its neighbourhood principle and a predominant provision of high density two storey housing. However, once the Nationally Described Space Standard is adopted, the standards in the CBLP will be superseded, as stated in the Policy.
- 5.2.2 Space standards for dwellings have been determined by recognising the need for rooms to be able to accommodate basic furniture, activities and circulation, as per Annex A of the Nationally Described Space Standard. The standards are there to ensure the basic functionality of homes and not to be overly prescriptive. Space standards can be exceeded, but should at least be met. Crawley has successfully used space standards since before 1992 and these are formally set out in the council's existing supplementary planning guidance note³, to be replaced by Policy CH5 once it is adopted⁴.
- 5.2.3 The external private amenity space standards are set out to contribute positively to Crawley's character, which is recognised as being particularly green, and to protect neighbours' amenities. They also follow the principles consistent with Crawley's New Town designation. The CBLP provides a strong commitment to the neighbourhood principle, to ensure adequate garden spaces and residential amenity, as these are historically important to the town⁵.
- 5.2.4 The main supporting paragraph in the Core Planning Principles of the NPPF⁶ states that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. The sketch in Appendix A shows how the external private amenity standards for the Local Plan were calculated to ensure adequate minimum space for basic items, including a rotary washing line and table and chairs for the number of people the house is designed to accommodate. The space standards have been calculated with the assumption of the maximum occupation each property has been designed for. The

³ SPG3 – Standards for New Housing Development (1999) CBC

⁴ LP040: Crawley Borough Council's Local Development Scheme 2013 – 2016, p37 (November 2014) CBC

⁵ SPG4 – Standards for Private Outdoor Space (2007) CBC

⁶ National Planning Policy Framework, para. 17, principle 4 (2012) DCLG

Issue 1: Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with NPPF.

Sustainability Appraisal⁷ explains the options assessed in relation to the provision of external space standards; with the chosen option showing the greatest levels of sustainability, particularly in relation to climate change adaptation and mitigation, sustainable communities through improved amenity and privacy, and providing decent and affordable homes.

⁷ LP003: Crawley Submission Local Plan Sustainability Appraisal, Appendix F, p.120 – 121 (November 2014) CBC

Issue 1: Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with NPPF.

5.3 Are the tree replacement standards of policy CH6 reasonable and justified? Do the modifications proposed to policy CH7 give appropriate flexibility to the structural landscaping requirements?

- 5.3.1 There are many parks and open spaces in Crawley, as well as significant boulevard and verge planting areas, especially along major roads. Crawley's urban character is largely defined by this extensive tree cover throughout the borough. This is particularly critical for Crawley's urban design and image due to the fact that the architecture in the town is fairly plain and uniform, having mostly been built in the second half of the twentieth century⁸. The council's existing supplementary planning guidance note in relation to trees⁹ shows the inherent importance of trees within the borough. Therefore, the replacement standards of Policy CH6 are necessary to help protect and enhance such an important aspect of Crawley's character as the town accommodates further development. The standards are based on: Trees in the Townscape – A guide for Decision Makers¹⁰ and the Bristol Local Plan¹¹. They are both reasonable and justified as it takes a larger number of smaller trees to visually compensate for the loss of a large one due to the time and difficulties involved for trees to become established and for their amenity role to be maximised.
- 5.3.2 Structural landscaping of open spaces and, in particular, on verges along roads is a distinctive characteristic of Crawley's urban character. Therefore, it is important for the preservation of this character to protect and enhance such structural landscaping in the borough.
- 5.3.3 The modification to Policy CH7¹² creates a more positive and flexible policy with a presumption in favour of development, ensuring the context of development is carefully considered. The Policy is both clear and reasonable and reflects and supports the design principles of the New Town. The emerging Green Infrastructure SPD will include additional guidance and information on Policy CH7 and will provide applicants with further understanding of the flexibility it provides to development.

⁸ LP053: Crawley Baseline Character Assessment, p.24 (2009) EDAW/AECOM

⁹ SPG6 – Trees (2002) CBC

¹⁰ LP148: Trees in the Townscape – A guide for Decision Makers, p.24 (2012) Trees and Design Action Group

¹¹ Bristol Local Plan, Policy DM17 (adopted in 2014) Bristol City Council

¹² Main Modification MM008: LP001a: Crawley Local Plan Submission Modifications Draft, p34 – 35 (November 2014) CBC

Issue 1: Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with NPPF.

5.4 What is the relationship between policy CH12, which seems to apply to all heritage assets, and the specific policies relating to individual heritage assets (CH13-17)? Are the provisions of CH12 consistent with the later policies?

- 5.4.1 Crawley's heritage resources are limited and it is important to emphasise both the importance of these sites as well as the differences between them. Policy CH12 applies to all heritage sites, including other assets, such as Scheduled Ancient Monuments, archaeological sites etc., including the ones shown in the Crawley Local Plan Map or any currently unknown assets. It is more general whilst still setting out requirements for development relating to policies CH13-CH17. Policies CH13-CH17 in turn go into further detail relating to each specific national or local designation of heritage assets and also making further requirements for development additional to those in Policy CH12.
- 5.4.2 Policy CH12 ensures that anyone reading the CBLP recognises the importance of heritage assets; this is why Policy CH12 was placed before Policies CH13-CH17 in the CBLP reflecting a hierarchical order. Policy CH12 is written to apply to any heritage allocation, while still allowing for policies CH13-CH17 to elaborate further on the allocation that they are each referring to. Further specification regarding the requirements of Policy CH12 will also be included in the emerging Local List. As the emerging Urban Design SPD will explain, the starting point of a Heritage Impact Assessment will be the completion of a Heritage Assets Checklist. For small development this is likely to be all that would be necessary to meet the requirement of a Heritage Impact Assessment. This will be set out in the emerging Local List. All other development will need to provide a detailed Heritage Impact Assessment. This allows for consistency between Policies CH12 and CH13-CH17, as well as clarity as to the differences between the various allocations and the planning requirements for each.

Issue 1: Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with NPPF.

5.5 Are policies CH12-CH17 consistent with NPPF, which requires a balanced and proportionate approach to be taken to the impacts of development on heritage assets according to the significance of the heritage asset and the scale of any harm or loss to the asset?

- 5.5.1 Policies CH12-CH17 are consistent with the NPPF, and are flexible in regards to development. A balance has to be struck between heritage and development, especially considering the relatively small number of heritage assets in the borough and, consequently, the significant importance these have in Crawley.
- 5.5.2 Alan Baxter's study 'Crawley ASEQs and Locally Listed Buildings Assessment' reviewed the criteria for designating Areas of Special Environmental Quality (ASEQs)¹³ as well as Locally Listed Buildings and revised the listings according to the new criteria, as well as suggesting renaming ASEQs, which are now referred to as ASLCs - Area of Special Local Character. During this exercise the report identified six new Conservation areas, confirmed six existing ASLCs, recommended a total of 59 Locally Listed Buildings and also recommended two Locally Listed Buildings be considered for Statutory Listing.
- 5.5.3 Due to their limited number, any significant harm or loss to ASLC's, Conservation Areas or other heritage assets would have a great impact on the borough. For this reason, new designations and securing a robust evidence base, including the Baxter Report¹⁴, as well as public support for new designations¹⁵ are integral in supporting Crawley's heritage assets (see Appendix B).
- 5.5.4 The emerging Local List and the emerging Urban Design SPD will be consistent with, and complementary to, Policies CH12-CH17 (the relationship is shown in Appendix C).

¹³ As designated in LP035 and LP036: Crawley Borough Local Plan Saved Policy BN10, p50 – 51 (2000) CBC; and LP034: Crawley Borough Council Core Strategy, para.4.11 and Policy EN5, p37 (2008) CBC

¹⁴ LP054: Crawley ASEQs and Locally Listed Buildings Heritage Assessment (2010) Alan Baxter Associates

¹⁵ As shown, for example, in the case of Brighton Road Conservation Area in 2009 (Cabinet Report PS/0372, 25th March 2009) Appendix B

5.6 Do policies CH15 and CH16 properly reflect the different importance of, and protection given to, listed buildings and locally listed buildings as set out in NPPF?

- 5.6.1 Policies CH15 and CH16 follow the guidance as set out in the NPPF¹⁶ regarding heritage assets. Despite there being a recognised difference between assets referred to in Policy CH15 (Listed Buildings and Structures of national significance) and Policy CH16 (Locally Listed Buildings), both are of great importance to Crawley which, as a New Town, has a limited resource of heritage assets. All designations in the borough have been updated recently and are based on robust assessments from Alan Baxter Associates' Report¹⁷. The council's approach is to assess, protect and enhance heritage assets which, with the help of the Report, will highlight the differences in significance between the designated (national) assets and non-designated (local) assets. Whilst the process is the same for each asset, under Policy CH12, this does not imply every asset will be treated as equally significant, which they are not.
- 5.6.2 Listed Buildings are nationally important and designated by English Heritage and the Secretary of State for their special architectural and/or historic interest¹⁸. These buildings are protected by law and it is a criminal offence to alter or demolish them without express permission. In light of this and following heritage advice from the Council's historic building consultant, the council proposes to modify Policy CH15 in order to strengthen the policy and the preservation of national assets¹⁹ as per Appendix D.
- 5.6.3 In relation to Locally Listed Buildings, English Heritage confirms that: 'Whilst local listing provides no additional planning controls, the fact that a building or site is on a local list means that its conservation as a heritage asset is an objective of the NPPF and a material consideration when determining the outcome of a planning application'.²⁰
- The council has been proactive in assessing and identifying Locally Listed Buildings to provide some protection and recognition of their value as part of the context of the local character in planning and in development control decisions.
- 5.6.4 Policies CH15 and CH16 both recognise the difference in value and protection afforded to each type of listing, as well as the varying importance between each heritage asset across the borough, whilst simultaneously providing the council with the ability to protect its assets.

¹⁶ National Planning Policy Framework, Chapter 12 (2012) DCLG

¹⁷ LP054: Crawley ASEQs and Locally Listed Buildings Heritage Assessment (2010) Alan Baxter Associates

¹⁸ Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁹ LP001d: Schedule of Further Proposed Modifications to the Submission Local Plan (September 2014), MM070 (February 2015) CBC

²⁰ <http://www.english-heritage.org.uk/professional/advice/hpg/has/locallylistedhas/>