

Crawley Borough Council

Minutes of Planning Committee 4 July 2016 at 7.30pm

Present:

Councillor	I T Irvine (Chair)
Councillor	C Portal Castro (Vice-Chair)
Councillors	F Guidera, K L Jaggard, S J Joyce, B McCrow, M Pickett, T Rana, A C Skudder, P C Smith and M A Stone

Officers Present:

Paul Addison	Principal Transport Planner (West Sussex County Council, Highways Department)
Kevin Carr	Legal Services Manager
Val Cheesman	Principal Planning Officer
Mez Matthews	Democratic Services Officer
Jean McPherson	Group Manager (Development Management)
Clem Smith	Head of Economic and Environmental Services

Apologies for Absence:

Councillors B J Burgess, D Crow and J Tarrant

9. Lobbying Declarations

The following lobbying declarations were made by Members:

Councillors F Guidera, I T Irvine, M Pickett and P C Smith had been lobbied regarding application CR/2016/0294/OUT.

10. Members' Disclosure of Interests

The following disclosures of interests were made by Members:

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor P C Smith	Minute 12	CR/2016/0176/FUL 1-3 Betts Way (former Premiere House site), Langley Green, Crawley	Personal Interest as he was a Local Authority Director of the Manor Royal Business Improvement District.

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor P C Smith	Minute 12	CR/2016/0294/OUT Overline House, Crawley Station and adjacent highway, Station Way, Northgate, Crawley	Personal Interest as he was the Cabinet Member for Planning and Economic Development.

11. Minutes

The minutes of the meeting of the Committee held on [7 June 2016](#) were approved as a correct record and signed by the Chair.

12. Planning Applications List

The Committee considered report [PES/205](#) of the Head of Economic and Environmental Services.

RESOLVED

That in respect of the applications specified below, details of which are more particularly set out in report [PES/205](#) of the Head of Economic and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

Item 003

CR/2016/0294/OUT

Overline House, Crawley Station and adjacent highway, Station Way, Northgate, Crawley.

Outline application (all matters reserved) for demolition of existing office building and integrated railway station building, footbridges and ancillary structures. Erection of 308 studio, 1, 2 and 3 bedroom residential apartments and associated parking (C3 use class); integrated railway station building, footbridges, and ancillary structures; flexible use retail / coffee shop / business centre (A1 / A3 / B1 use classes); 120 space multi-deck station car park, vehicle drop-off lay-by and associated highway works and public realm enhancements.

Councillors I T Irvine, K L Jaggard, S J Joyce, M Pickett, T Rana, P C Smith and M A Stone declared they had visited the site.

The Group Manager provided a verbal summation of the application and updated the Committee as follows:

- The Environment Agency had clarified that it did not wish to comment on the application.
- Network Rail had responded to the consultation confirming that they were aware of the development and were in discussions with the applicant. Network Rail had also raised a number of concerns which included:
 - The proposed footbridge and associated costs.
 - The location, cost and type of lifts to be installed.

- The relocation of steps to the rear of the station and the potential implications on safety and pedestrian flow.
 - The location and accessibility of the temporary ticket office.
- Following those concerns it was considered appropriate that a condition be added to ensure that the station remained operational during construction and that development did not impact rail structures.
- A consultation response had been received from the Archaeological Officer who had recommend that the required archaeological work be secured as a condition of any planning permission granted. Officers therefore recommended that Condition 4 be amended to address that requirement.
 - Should the Committee be minded to approve the application, it would no longer be necessary for the decision to be delegated to the Head of Economic and Environmental Services as a response had now been received from the Archaeological Officer.
 - A clerical correction was required to Paragraph 2.7 of the report, with the words “intermittent trees” to be replaced with “landscaping”.
 - Paragraph 4.27 should be amended to make reference to Supplementary Planning Guidance (SPG) 13 “Landscaping and Greening”, which required a contribution of £110 per tree, rather than the emerging SPD. Consequentially the Section 106 costs identified in Paragraphs 5.43 should be amended to refer to £110 multiplier and not £700.
 - The contribution towards CCTV camera provisions referred to in Paragraph 5.44 of the report had been confirmed as £30,000.
 - Officers proposed that condition 3 be amended to include reference to the maximum floorspace to be provided by the development.
 - Reference to The Cunningham Consultancy drawing “125-GA-03 Rev B” identified in conditions 8 and 9 was incorreced and should be amended to read “125-GA-03 Rev C”.
 - An amendment to condition 17 was necessary to include the long term management and maintenance of the site.
 - Members’ attention was drawn to Condition 7 which stated that no physical works would be carried out until a full structural survey and feasibility study had been carried out on the East Park footbridge. Should it not be deemed feasible to retain the bridge, the study should identify the options for dismantling the structure and the options for its potential re-use. The condition had been agreed with the applicant.

The Principal Petitioner spoke in objection to the application and raised the following points:

- The 8-10 storey development was too high and would be oppressive, especially for the residents of East Park.
- The proposal would be out of keeping with the area and contained too many flats. None of the flats proposed were affordable.
- The development did not provide adequate parking and would exacerbate parking problems in the surrounding roads.
- Concern that the materials used would not be of a high quality and would look unsightly with time, in particular balconies and building finishes.
- Whether a clause would be included relating to the use of the balconies.
- Questioned when the structural survey of the East Park Bridge would take place and whether the findings of the report would be made public.
- The East Park Bridge was a historical structure and should be renovated and retained.

The Committee considered the application and noted the concerns raised by the Principal Petitioner. Several Members of the Committee shared concerns relating to the height and massing of the development, the perceived loss of privacy and loss of

outlook to the skyline which it felt could have an adverse effect on the homes in East Park. Concern was also expressed regarding the limited parking and the impact that could have on the surrounding areas. The Committee also hoped that it would be possible to restore and retain the East Park Bridge given the strong public desire for its retention.

The Committee welcomed development of the site, especially the provision for a 'new' station which would provide a positive impression for visitors to the town. It was acknowledged that the developer had a reputation for using high quality building materials which stood the test of time. The Committee were pleased with the intended public realm area of the development which it felt made a positive statement. Although many Committee members were disappointed that the development would not make an affordable housing contribution, it was acknowledged that providing such a provision was not viable given the complex nature of providing a development which incorporated a new railway station and substantial highway works.

In response to queries and comments made by the Committee as well as concerns raised by the objector, the Group Manager and the Principal Transport Planner from WSCC stated the following:

- The Taj Mahal car park was not part of the application site.
- There was a possibility of a "car club" whereby residents who did not own a vehicle could book the use of a pool car. Such a scheme could be included in a Travel Plan if it were deemed suitable.
- A "kiss and drop" zone related to drop off zone for vehicles where no waiting occurred.
- No specific information had as yet been provided in relation to a temporary station location. The development would take place in phases with the first phase including Overline House. Proposed new condition 28 required information on the phasing of the development as well as a construction plan.
- Controlled Parking Zone permits were administered by Parking Services and the zones were under constant review. The Principal Transport Planner agreed to bring the current and potential parking issues in the area to the attention of the relevant department.
- Potential purchasers of the flats would be made aware of the parking situation. It could also be possible to include a covenant relating to no car ownership (a property management issue).
- It was not possible to provide the same number of parking spaces in each section of the development due to the layout of each building.
- Cycle parking would be provided, although an exact location had not yet been identified (the application was outline with all matters reserved).
- Once the structural survey and feasibility study on the bridge had been completed it would be made available to the public as part of the condition 7 discharge information.
- If it were deemed not feasible to retain the current East Park Bridge, the bridge would be replaced.
- The exact details of traffic calming measures had yet to be decided, but one option was to create a raised platform at the junction and alter the surfacing materials, reducing speeds. One traffic lane had been lost westbound, retained a bus lane and cycle lane provided.
- It could be possible to mitigate the visual impact of the building on the residents of East Park through reserved matters relating to design and appearance, however approving the outline application would determine the number of flats (quantum of development).
- The responsibility for funding the lift would form part of the discussions between the developer and Network Rail.

The Committee agreed that Conditions 3, 4, 8, 9 and 17 be amended to read as follows:

Amended Condition No.3

"No more than 308 dwellings shall be constructed on the site pursuant to this planning permission and the total residential floorspace provided by the development should not exceed 27,196sqm GIA (which includes ground floor car park level of 4,167sqm). REASON: For the avoidance of doubt and to control the quantum of development on the site."

Amended Condition No.4

"No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

REASON: Part of the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy CH12 of the Crawley Borough Local Plan 2015-30."

Amended Condition No.8

"The development hereby permitted shall not commence unless and until full engineering design details and a materials specification for the Station Way highway scheme, shown indicatively on The Cunningham Consultancy drawings 125-GA-01 Rev B, 125-GA-02 Rev B and 125-GA-03 Rev C, have been submitted to and approved by the Local Planning Authority.

REASON: in the interests of highway safety and to accord with Policy CH3 of the Local Plan 2015-2030."

Amended Condition No.9

"The development hereby permitted shall not be commenced unless and until full engineering design details and a materials specification of the access arrangements, shown indicatively on The Cunningham Consultancy drawings 125-GA-01 Rev B, 125-GA-02 Rev B and 125-GA-03 Rev C, have been submitted to and approved by the Local Planning Authority.

REASON: in the interests of highway safety and to accord with Policy CH3 of the Local Plan 2015-2030."

Amended Condition No.17

"Plans and particulars submitted pursuant to condition 1 shall include the following details:

- (1) The layout, specification and construction programme for all roads, footpaths, parking and turning areas, cycle parking, taxi ranks and cycle storage facilities;
- (2) The position, design and materials and type of boundary treatment (including all fences, walls, railings and other means of enclosure to be provided;
- (3) Finished ground levels for all hard landscaping areas, footpaths or similar, including details of surfacing materials, signs, street furniture, lighting and other minor structures and details of the long term management and maintenance of such areas)
- (4) Details of landscaping for all areas, together with planting plans, schedules of plants (noting species, size, numbers) and a programme for the implementation, cultivation and establishment of the landscaping
- (5) Details of the longer term (up to 15 years) management and maintenance of the hard and soft landscaping within the public realm

REASON: To enable the LPA to control the development in detail in the interests of amenity by endeavouring to improve the public realm and highways surrounding the development in accordance with Policy CH3 of the Local Plan 2015-2030."

The Committee agreed that the following new condition be added:

New Condition No.28

“No development shall commence until a Phasing and Construction Plan has been submitted detailing the temporary measures to be put in place to ensure the station remains fully operational during the construction period and is replaced on site. The development shall be carried out in accordance with this Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the operational use of part of the site as a railway station in accordance with Policy IN6 of the Local Plan 2015-2030.”

PERMIT subject to the conclusion of a Section 106 legal agreement to secure education, fire and rescue, open space, TAD, green infrastructure and CCTV contributions before 17 August 2016, the conditions and informatives set out in report [PES/205](#) and the amended and new conditions above.

Item 001

CR/2016/0176/FUL

1-3 Betts Way (former Premiere House site), Langley Green, Crawley.

Erection of 1 x commercial mixed use building (class B8/A1) including mezzanine, outdoor project centre and secure compound, access and servicing arrangements, car parking, landscaping and associated works (amended drawings and additional information received).

Councillor P C Smith declared he had visited the site.

The Principal Planning Officer provided a verbal summation of the application and informed the Committee that:

- The applicant had submitted a unilateral agreement which was currently being considered.
- Consultation response received from Environmental Health – measures to control emission of dust covered under condition 5.
- Officers proposed that a new informative be added regarding hours of work.
- It was necessary to amend condition 8 in relation to submission of the drainage details to ensure that development did not proceed prior to completion of the slab.
- The Bird Hazard Management Plan had been received. It was therefore necessary to amend condition 9 to refer to the approved document.
- Information on the proposed lighting had been submitted and passed to Gatwick Airport. Comments from Gatwick were awaited.
- Gatwick Airport had requested that, should the number of solar panels proposed be increased from that shown on the roof plan, the airport be notified to enable them to assess any new proposals. An informative was to be added.

The Agent, Mr Tim Rainbird, addressed the Committee in support of the application.

The Committee expressed support for the application, felt it was of an attractive design and was pleased that the company had chosen to invest in Crawley. Concern was raised however, that the cycle network finished at Astral Towers and did not link to the development.

In response to queries and comments made by the Committee, the Principal Planning Officer stated the following:

- Pedestrians could travel from the application site to County Oak via the Acorn Retail Park or via the main pavement along London Road.
- The cycle network was off-site and therefore considered outside the realm of the application and no request for Section 106 contributions towards the cycle network had been received from WSCC. Planning Officers agreed to discuss the matter with WSCC.
- The area was currently served by several bus routes and officers were not aware that any additional routes were proposed.

The Committee agreed that Conditions 8 and 9 be amended to read as follows:

Amended Condition No.8

“Prior to completion of the slab details of the proposed surface water and foul drainage and means of disposal shall have been submitted to and approved by the Local Planning Authority. The details shall include a programme for implementation and proposals for the subsequent management and maintenance of the drainage system. The building shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. REASON: To ensure that the proposed development is satisfactorily drained in accordance with Policy ENV8 of the Crawley Borough Local Plan 2015 – 2030”

Amended Condition No.9

“The Bird Hazard Management Plan dated 24th June 2016 shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place, unless first submitted to and approved in writing by the Local Planning Authority. REASON: In the interests of the environment of the development and to mitigate bird hazard and avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds, in the accordance with Policy CH3 of the Crawley Borough Local Plan 2015 – 2030.”

The Committee agreed that the following new informatives be added:

New Informative No.6

“Within the boundaries of Crawley Borough Council the Control of Pollution Act 1974 is used to control noise from construction sites. Section 60 of the Act permits Local Authorities to specify the hours the noisy works are permitted.

The permitted hours for noisy construction work in the Borough of Crawley are as follows:

0800 to 1800 Monday to Friday and

0800 to 1300 on Saturday.

With no noisy construction works taking place on Sundays, Bank Holidays, Public Holidays, Christmas Day, Boxing Day or New Years' Day.

The developer shall employ at all times the best practical means to minimise noise disturbance to nearby residents. All construction work practises shall comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.

Any exemptions to the above hours must be agreed with The Environmental Health Team in advance.”

New informative No 7

“Solar Panels can impact on the safe operation of aircraft through interference with navigational aids utilised by the airport and/or by emitting glint / glare to pilots. Should the number of panels proposed be increased from that shown on drawing number 13483 – 114 – Proposed Roof Plan it is important that the airport is notified so it can assess any new proposals.”

Permitted subject to the conclusion of a Section 106 legal agreement to secure infrastructure contributions, the conditions and informatives set out in report [PES/205](#) and the amended conditions and new informatives above.

Item 002

CR/2016/0261/RG3

Nos 2, 3, 7, 9, 11, 12, 13, 15, 17, 18, 19, 23, 24, 27, 30, 34, 35, 38, 40, 42, 48, 64, 66, 68, 70 and 72 Woodside Road, Northgate, Crawley.

Installation of insulated render to the external walls of the above properties.

Councillors K L Jaggard and M A Stone declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application and proposed that an additional condition be included regarding the colour and texture of the render. A sample of the render was shown to the Committee.

The Committee then considered the application. Although concern was initially expressed that the rendered properties could look out of place against the other properties in the street, several Committee members had visited areas where similar insulated render had been used and reassured the Committee that they blended in with the neighbouring properties.

The Committee agreed that the following new condition be added:

New Condition No.3

“The render of the external walls of the dwellings shall be Wetherby colour number 0505Y30R 1.5mm texture in accordance with the sample provided to the Local Planning Authority unless otherwise agreed in writing.

REASON: In the interests of amenity in accordance with Policies CH3 of the Crawley Borough Local Plan 2015-2030.”

Permitted subject to conditions and informative set out in report [PES/205](#) and the new informative above.

Item 004

CR/2016/0407/RG3

Crafts Unit/Office, Tilgate Nature Centre/Tilgate Zoo, Tilgate Park, Tilgate Drive, Tilgate, Crawley.

Installation of 78 solar panels on the roof of numbers 1-6 of the craft units and associated electrical works to supply the adjacent café. Installation of 22 solar panels on the rear elevation of the Tilgate office building and associated electrical works.

Councillor C Portal Castro declared he had visited the site.

The Principal Planning Officer provided a verbal summation of the application.

The Committee then considered the application.

Permitted subject to conditions set out in report [PES/205](#).

13. Exclusion of the Public

RESOLVED

That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

**14. ENF/2016/0059: Proposed Enforcement Action: Supplementary Report
(Exempt Paragraph 6 – notice/order)**

The Committee considered report PES/219 of the Head of Economic and Environmental Services which requested that the Committee consider whether the Council should issue and serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990.

The Committee was disappointed that the Council was not able to take planning enforcement action against the developer due to the likely consequences for innocent third parties.

RESOLVED

1. That despite the breach of planning control it is not expedient to undertake planning enforcement action, based solely on the likely consequences for innocent third parties,
2. That the matter be passed to the Private Sector Housing Department to carry out an investigation of possible hazards under the Housing Act 2004.

15. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 9.50pm.

I T IRVINE
Chair