

Crawley Borough Council

Minutes of Planning Committee

Tuesday, 17 December 2019 at 7.30 pm

Councillors Present:

S Malik (Chair)

T McAleney (Vice-Chair)

J Hart, I T Irvine, K L Jaggard, M Mwangale, J Purdy and P C Smith

Officers Present:

Heather Girling

Democratic Services Officer

Louise Mathie

Senior Lawyer & Deputy Monitoring Officer, Adur & Worthing Councils

Jean McPherson

Group Manager (Development Management)

Clem Smith

Head of Economy and Planning

Hamish Walke

Principal Planning Officer

Apologies for Absence:

Councillor A Belben

Absent:

Councillor L M Ascough

Minute's Silence

The Committee observed a minute's silence in memory of Councillor Geraint Thomas who had sadly and suddenly passed away.

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor J Purdy	CR/2019/0542/FUL – Moka, Station Way, Northgate, Crawley (Minute 5)	Personal Interest – Employed by a company that was listed as consultee (which provided no response).

2. Lobbying Declarations

The following lobbying declarations were made by Councillors:-

All Councillors in attendance had been lobbied regarding application CR/2019/0542/FUL.

3. Minutes

The minutes of the meeting of the Planning Committee held on 18 November 2019 were approved as a correct record and signed by the Chair, subject to the following amendment to minute 9 that it be noted that as Councillor P C Smith had already declared an interest in this item he left the room and took no further part in the discussion on this item.

4. Planning Application CR/2019/0542/FUL - Moka, Station Way, Northgate, Crawley

The Committee considered report [PES/327a](#) of the Head of Economy and Planning which proposed as follows:

Demolition Of Existing Nightclub And Redevelopment Of Site Providing 152 Apartments, Ground Floor Commercial/Retail Space (Class A1, A3, A4, B1 And/Or D2 Uses) Split Between 2 TO 4 Units, New Publicly Accessible Public Realm (Including Pocket Park), New Publicly Accessible Electric Vehicle Charging Hub, Car Club And Associated Works

The Principal Planning Officer provided a verbal summation of the application and updated the Committee that further comments had been received from Environmental Health on the proposed development. The additional comments state that the proposed development would be exposed to road noise, rail noise and, potentially, plant noise. The applicant had undertaken further work on these issues, but the Environmental Health Officer did not consider that all noise and ventilation issues have been resolved. The Environmental Health Officer stated that in some areas, noise levels would exceed the Council's standards and that further acoustic design measures and mitigation were consequently required. Concerns were also raised about potential overheating within the proposed flats and the need for natural ventilation and openable windows. Environmental Health therefore required further details to address noise and overheating, which the Officer felt could be addressed by condition. Additional conditions on other noise issues were also recommended.

The Committee was informed that there were ongoing discussions concerning the façade treatment at ground and first floors of the proposed building around the proposed pocket park and it was recommended that this could be delegated to officers to resolve. In updating the Committee further, the Principal Planning Officer clarified the matters regarding the establishment of the car club (which included some free membership for residents and a review mechanism as it progressed), together with the electric vehicle charging point installation. It was noted that the implementation and maintenance of the hard and soft landscaping would now be covered by a Section 106 Agreement in order to flexibly deal with integration of the public realm and highway improvements of both the Moka and Station Gateway Improvement scheme.

It was recognised that the proposal would involve the loss of the existing nightclub. However, with the main focus of nightlife activity tending to relocate to the High Street it was felt that there was sufficient alternative provision available. It was recognised that the proposed flats all complied with the minimum Nationally Described Space Standards, and that all flats would benefit from either a 5 sqm balcony or Juliet balcony, with some units having additional windows resulting in dual aspect. There

was acknowledgement that the proposed building would result in a loss of four protected trees which was regrettable. However, infrastructure contributions would assist in tree mitigation to ensure replanting and could be secured by a Section 106 Agreement. With reference to the affordable housing contributions, it was noted that the provision of the fifteen affordable housing units would be secured through a Section 106 Agreement and that there would also be a two stage review of the scheme's viability as it progressed.

The following revisions were made regarding the recommendation and conditions in the committee report.

Delegate to officers to agree the following details:

1. Façade treatment at ground and first floors of the proposed building around the proposed pocket park

Revised recommendation:

PERMIT subject to the completion of a Section 106 obligation to secure:

- Provision of a minimum of 10% low cost one bedroom housing units, namely 15 units (to be secured at 20% discounted sale or rent, at the Council's nomination, and to be safeguarded in perpetuity);
- Two stage viability re-assessment:
 - First stage if block has not been built up to first floor level within 24 months of grant of permission, to secure further affordable housing units on site if viable (or if agreeable to the Council an off-site affordable housing contribution may be considered); and
 - Second stage upon 75% of sale or rent of dwellings, to secure any affordable housing contribution (up to 50% of additional profit);
- Infrastructure contributions towards open space (£59,958.50) and tree mitigation (£124,600), prior to commencement;
- A car club including a minimum of 5 car club parking spaces and two/three years free membership to residents of the dwellings from first occupation, such car club to be continued and expanded for further 5 year periods if monitoring demonstrates success;
- Installation and retention of electric vehicle charging points on all 16 car parking spaces, prior to occupation;
- Delivery of the pocket park and public realm within the application site prior to occupation and on-going management and maintenance; and
- Highway improvements in association with wider Station Gateway public realm improvements, prior to occupation, including provision for a footpath/cyclepath around the proposed service bay to be adopted as public highway; and

Subject to the conditions set out in the report, subject to the amendments to conditions and to the additional Environmental Health conditions set out below:

Delete conditions:

Delete conditions 10 and 11 as listed in the report, as landscaping will now be covered through the penultimate two S106 bullet points above. This approach will allow greater flexibility to ensure appropriate integration, implementation and phasing of the current proposal and the Station Gateway public realm improvements.

Revised and additional conditions:

Subject to the agreed elevational and highways details, delegate to officers the final wording for the following two conditions:

2. Drawing numbers (once the applicant has supplied a full set of revised drawings); and
17. Insert highway drawings numbers once final versions of these have been agreed.

In line with the comments from Environmental Health, the following amendment to condition 4 is proposed and the four additional conditions listed below are recommended to be added:

An additional bullet point is recommended to be added to condition 4 (Construction Management Plan) in the report to include:

- “the control of noise and dust emissions from the works”

Additional conditions:

30. No development shall commence unless and until a scheme to address noise mitigation and potential overheating has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to the first occupation of any of the flats hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

31. The noise emissions from any grille opening on to an amenity space or the public realm shall not exceed the background sound level for the area into which the plant is discharging as measured at the location where the discharge occurs.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

32. The motors and moving components of any security shutters or roller gates shall be acoustically isolated from the building structure to prevent the transmission of the sound to the structure.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

33. The inherent airborne sound insulation between the noise generating uses (including but not exclusively commercial uses and the waste stores) and residential properties shall be at least 65 DnTw.

Occupation of the residential properties shall not commence until the applicant has demonstrated that the value has been achieved.

REASON: To safeguard the amenities of future residents in the proposed flats in accordance with policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

Richard Mees (on behalf of the applicant) then addressed the meeting in support of the application.

The Committee then considered the application. In response to issues raised, the Principal Planning Officer:

- Confirmed the logistics and provision for a footpath/cyclepath around the proposed service bay to be adopted as public highway.
- Confirmed the access to the refuse bay was separate to the service bay on Station Way.
- Highlighted the advantage of progressing aspects via a Section 106 Agreement to enable the proposal to integrate with the Station Gateway scheme.
- Identified that in terms of security and safety, the applicant was aware of the comments issued by Sussex Police which included a range of Secured by Design measures to be taken into account.
- Responded to concerns regarding the use of the electric charging spaces in that it was anticipated that the car club operator would manage these and they would be open to members of the public but for the charging period only and consequently be prohibited from commuter parking.
- Confirmed the tree contribution and that there was capacity to undertake the tree planting.
- Identified that nominations rights were still to be determined but confirmed it was key to focus on the number of units and securing the 10% (15) onsite affordable units. However, the review mechanism would assess the value and viability of the scheme as it progressed and may allow additional affordable provision to be secured.
- Highlighted options for the façade treatment at ground and first floors and the Committee Members offered views on various options.

RESOLVED

Permit, subject to the completion of a Section 106 Agreement, with the amended conditions and revised recommendation above, and the conditions and informatives set out in report [PES/327a](#)

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.30 pm

S Malik (Chair)