

LOCATION: [SULLIVAN DRIVE, BEWBUSH, CRAWLEY](#)
WARD: Bewbush & North Broadfield
PROPOSAL: CONSTRUCTION OF A BUS GATE TO ENABLE BUSES TO PASS BETWEEN THE RESIDENTIAL NEIGHBOURHOODS OF BEWBUSH AND KILNWOOD VALE ALONG WITH ASSOCIATED PEDESTRIAN WALKWAY, DRAINAGE AND LANDSCAPING (AMENDED PLANS RECEIVED)

TARGET DECISION DATE: 10 October 2019

CASE OFFICER: Mrs J. McPherson

APPLICANTS NAME: Crest Nicholson Operations Limited

AGENTS NAME: Savills

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
11950-SD-CH100	P5	Site Location Plan
11950-SD-CH-101	P3	Block Plan
11950-SD-CD-100	P6	Strategic Drainage Layout
11950-SD-CH-102	P4	Topographical Survey
11950-SD-CH-105	10	Proposed Horizontal Alignment
11950-SD-CH-106	P5	Proposed Vertical Alignment
11950-SD-CH-107	P4	Proposed Contours
11950-SD-CH-108	11	Proposed Pavement Construction
11950-SD-CH109	P8	Proposed Vehicle Tracking
11950-SD-CH110	12	Proposed Signage And Road Markings
11950-SD-CH-111	P6	Visibility Splays
11950-SD-CH112	P6	Lighting Column Locations
2754-5-SD DR-5000	P8	Landscape Proposals
2754-5-SD DR-5001	P4	Softworks Proposals
2754-5-SD DR-5500	P2	Typical Tree Pit Details
2754-5-SD DR-5600	P2	Timber Cleft Knee Rail Details
2754-5-SD DR-5601	P3	Timber Bollard Details
2754-5-SD DR-5602	P1	Cleft 3 Rail Fence Details
11950-SD-CD-110	P3	Spruce Hill Brook Proposed Culvert Details

CONSULTEE NOTIFICATIONS & RESPONSES:-

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|----|--------------------------------------|---|
| 1. | Environment Agency | No objection subject to conditions. |
| 2. | WSCC Highways | No objection to revised plans subject to conditions and Informatives. |
| 3. | National Air Traffic Services (NATS) | No objection. |
| 4. | Thames Water | No comments received. |
| 5. | Horsham District Council | No objections to the principle of the development. |
| 6. | CBC Drainage Officer | No objection subject to conditions. |
| 7. | CBC Property Division | No comments – the land has been transferred to Crest Nicholson. |
| 8. | CBC Planning Arboricultural Officer | No written comments received. |

9.	CBC Environment Team	No comments received.
10.	CBC Environmental Health	No objection on air quality grounds. No comments received on Noise.
11.	Ecology Officer	No comments received.
12.	CBC Housing	No comments received.
13.	Crawley Cycle & Walking Forum	Concerned that with the revised proposal the road appears to be for buses only, it is unclear whether cyclists would be able to cycle along the bus route as per the original proposal and that experienced cyclists would wish to use the route. The RSA does not mention potential conflict between buses and cyclists. Advises that the 3m wide shared path is only acceptable up to a certain level of traffic and would prefer to see dedicated cycle lane and verge or margin along south side of shared path. All street furniture should be kept out off the 3m footpath to avoid obstruction. Would like to see cycle link extended to Bewbush neighbourhood centre. Detailed comments provided on signage, markings and kerbs. Concerned bridleway crossing which has been amended from original proposal has bends that could cause problems if 2 cyclists met travelling in opposite directions.
14	Metrobus	Originally objected to the proposal. Following re-consultation was pleased to see some positive changes including the enforcement of the bus gate through the planned use of ANPR cameras which must be fully operational when the road is opened. The revised signage is considered more effective. Disappointed by the single track nature of the road and concern over the future access provision to Henty Close which would further delay buses.

NEIGHBOUR NOTIFICATIONS:-

36 to 45 Manorfields;
14 and 15 Warrington Close;
10 Henty Close.

Following discussions and amendments to the bus gate design, a re-consultation was carried out with all consultees and third parties who had responded to the original application.

RESPONSES RECEIVED:-

WSCC Access officer – No objection in principle to the application however the legal line of the bridleway is being altered and the Public Right of way will need to be addressed through the appropriate legal process. Detailed advice provided on process, surfacing and safety considerations etc.

British Horse Society – Object – lack of consideration to bridleway users where it crosses the bus route. Highlights the requirement to legally change or divert the route, the need for clear unobstructed visibility for all users in both directions, a clear unobstructed waiting area (proposed knee high rails would be obstruction and potentially injure a horse. Requests that a raised surface crossing be considered to maintain a level surface for users. Highlights the need for appropriate signage at the crossing point and raises concerns that the bus gate would be 'self policing' and that vehicles may not observe the 20mph speed limit and that the bridleway needs regular maintenance (currently by the Borough Council)

16 representations have been received raising the following matters:

- Supports the bus route but concerned about local park (should be relocated and not removed – it is well used and must remain accessible for children). If park can stay then no objection.
- Supports bus link for convenience but need to address environment (protect as much woodland as possible) and protect the playground.
- The park is not considered to be essential and should be relocated.

- Children's playground should be relocated or improved as it is under used and poorly maintained.
- Supports plan but there needs to be suitable transport links for those past the Sullivan Drive roundabout where there are currently 2 bus stops serving the residents of Redditch Close and Frances Edwards Way so they do not have to walk too far. Concern about the future of these bus stops and that residents using these stops would be poorly served if the service goes via the bus gate. Would there be replacements?
- There should be an increased frequency of bus service to cater for extra passengers.
- Support cycle and path route for residents of Kilnwood Vale to commute on cycle or foot
- Route would sever a bridleway , the bridleway does not appear to be re-provided
- Concern for safety of users of bridleway including equestrians , cyclists and pedestrians – there needs to be a safe crossing point
- Object to the bus route.
- The development seems an afterthought and should have been planned from the beginning
- Not necessary for a bus gate to connect Kilnwood and Bewbush
- Proposal will involve loss of green space.
- Bus gate will not save any time and ruin greenery and the environment.
- Noise and fumes to Bewbush homes from the buses
- Concerned about the location of the bus gate and that more noise and cars might park in Kilnwood Vale and use the bus service.
- Increased risk of incidents involving buses through this proposal – less risk if buses remain on A264
- Do not want improved access to Bewbush from Kilnwood.

Non – planning

- Concerns regarding the potential Council tax implications as a result of the development
- Would like 23 bus service improved at weekends.

One neighbour has responded to the re-consultation continuing to object to the application due to loss of landscaping and increase in noise from the bus route. They consider the bus route should remain as it is and the new route would be of no benefit.

CROSS BOUNDARY DEVELOPMENT:-

- 1.1 The application site crosses administrative boundaries of Crawley and Horsham. The substantial part of the site is within Crawley Borough. The National Planning Practice Guidance (NPPG) states that where an application straddles one or more LPA boundaries, it is necessary for the applicant to submit identical applications to each Local Planning Authority (LPA). An identical application has also been submitted to Horsham District Council for its consideration (Reference DC/19/1612).
- 1.2 In the absence of any joint arrangements both Crawley BC and Horsham DC will need to take a decision on the application which would in effect be a decision on that part of the development that is on their land. It has been agreed informally at Officer level that the application will be considered by the Planning Committee at Crawley Borough Council first as the impacts and substantive part of the development is within its boundary and as the most representations have been received by it in relation to its statutory publicity. This Officer report and the decision taken by the Planning Committee will be a material planning consideration for Horsham District Council where the decision is currently delegated to officers.
- 1.3 Any decision this Council takes on the application will be applicable only to land within Crawley Borough. It is therefore important that any conditions or requirements where necessary are applied to the remaining part of the development within Horsham District. It is considered that determining the applications in this order will ensure a coordinated approach.

THE APPLICATION SITE:-

- 2.1 The application site amounts to around 0.17 hectares of land and crosses the administrative boundaries of Crawley and Horsham with the substantial western part of the site within being Crawley Borough.
- 2.2 Within Crawley's boundary the land extends from its western administrative boundary with Horsham across to Sullivan Drive to the east. The land is currently open space and is known as Bewbush West Playing Field. The land is relatively level however the levels fall towards the southeast corner with the roundabout in Sullivan Drive.
- 2.3 The land is intersected east to west by a public footpath which connects Sullivan Drive to the public bridleway which itself crosses the site north to south along the boundary with Horsham District. Along the east to west footpath is a footbridge spanning the watercourse of Spruce Hill Brook (to the east of Manorfields) which is a main river flowing south to north with most of its floodplain extending eastwards towards Sullivan Drive. This section of the site is within the floodplain (Zone 2 and Zone 3). To the north of the footpath is the open playing field with a play area towards the western boundary.
- 2.4 There is a public bridleway which intersects the site (running north - south) along the tree belt to the west of the houses in Manorfields. This has a field ditch / culvert running parallel to it on its western side. This bridleway and tree belt mark the administrative boundary line between Crawley and Horsham. There are also a number of trees on the open space at its entrance from Sullivan Drive and along the rear boundaries with the properties in Manorfields to the south which provide screening from the playing field and footpath.
- 2.5 On the Horsham side there is a further hedge boundary and second ditch with the end of an estate road further to the west.
- 2.6 Land to the north of the application site from the bridleway in the west to Spruce Hill Brook in the east including the play area and playing fields, is identified in the Crawley Borough Local Plan as a housing allocation for up to 24 dwellings (including the re-provision of the play area).

THE PROPOSED DEVELOPMENT:-

- 3.1 The application is for the construction of a bus gate link to allow buses to pass from Bewbush neighbourhood (via Sullivan Drive) into the new development of Kilnwood Vale to the west. The proposal involves the change of use of CBC amenity land to highway / bus gate and connecting into the highway network in Kilnwood Vale.
- 3.2 The development proposes a single track bus gate connecting the spine road in Kilnwood Vale with the roundabout in Sullivan Drive. It is anticipated to take around 26 bus movements per hour. A shared footpath / cycleway is proposed along the northern side of the bus gate and the existing north to south public bridleway would be diverted and the affected section re-surfaced.
- 3.3 The existing watercourses would be culverted. The route would be wider at both ends to accommodate 2 way traffic. At the Sullivan Drive end the new road junction would provide a splitter island on the roundabout. Three lighting columns would be proposed along the northern edge of the bus route and ANPR cameras are proposed to be installed to ensure enforcement of the traffic regulations.
- 3.4 A number of trees, hedges and an area of scrub land to the north of the houses in Manorfields would be removed to create the route and to provide an open view along the road for the buses. Some new landscaping to the rear of these houses and along the route on both sides is intended to be provided as mitigation. The existing play area to the north of the route is not affected by the works. The bus route would be slightly elevated in relation to the nearest properties in Manor Fields the finished ground level being approximately 0.5 higher than the existing ground level with a 1 in 3 embankment to the roadway on both sides.
- 3.5 The application was accompanied by the following supporting documents:
Planning Statement

Stage 1 Road Safety Audit
Stage 1 Road Safety Audit - Designers Response
Transport Report
Arboricultural Impact Assessment and Method Statement (including tree survey)
Landscape Specification - dated 19 July 2019
Landscape Management and Maintenance Plan
Ecology Assessment
Noise report
Flood Risk Assessment

PLANNING HISTORY:-

- 4.1 Kilnwood Vale (formerly known as West of Bewbush) was identified as a strategic allocation for a new neighbourhood of 2,500 dwellings by both Horsham and Crawley Councils working jointly on their respective Core Strategies which were adopted in 2007. Work on this new neighbourhood with its associated facilities was progressed jointly by both authorities and in 2009 the 'West of Bewbush Joint Area Action Plan' was adopted by the Local Authorities. This document set out the development vision, principles and objectives for the neighbourhood. It included a series of policies dealing with the neighbourhood development.
- 4.2 Policy WB25 required the delivery of sustainable transport infrastructure at appropriate phases during the implementation of the neighbourhood. This included a Bus and Fastway access (bus gate) at Sullivan Drive, Bewbush. The location of this bus gate was shown indicatively on the approved 'West of Bewbush Joint Area Action Plan – Conceptual Masterplan' which accompanied the JAAP document.
- 4.3 In July 2010 a hybrid planning application was submitted to Horsham DC DC/10/1612 for "Outline approval for the development of approximately 2500 dwellings, new access from A264 & a secondary access from A264, neighbourhood centre, comprising retail, community building with library facility, public house, primary care centre & care home, main pumping station, land for primary school & nursery, land for employment uses, new rail station, energy centre & associated amenity space. Full planning permission for engineering operations associated with landfill remediation & associated infrastructure including pumping station. full permission for the development of phase 1 of 291 dwellings, internal roads, garages, driveways, 672 parking spaces, pathways, sub-station, flood attenuation ponds & associated amenity space. Full permission for the construction of a 3 to 6 metre high (above ground level) noise attenuation landform for approximately 700 metres, associated landscaping, pedestrian/cycleway & service provision".
- 4.4 Planning permission was granted in 2011 and condition 35 required delivery of the bus gate subject to agreement of a 'specification' to be approved and implemented prior to occupation of the 900th dwelling.
- 4.5 At the time and separate to the planning process the developers entered into a land transfer agreement with CBC Property to secure the route. This land has now been transferred.

PLANNING POLICY:-

National Planning Policy Framework (NPPF)

- 5.1 The updated National Planning Policy Framework (NPPF) published in 2019 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
 - Section 2 – Achieving sustainable development. This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing

our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.

- Section 8 – ‘Promoting healthy and safe communities’ 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. It seeks to protect existing open space and protect and enhance existing rights of way and take opportunities to improve these linkages.
- Section 9 – ‘Promoting sustainable transport’ sets 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. Opportunities to promote walking, cycling and public transport use should be pursued.
- Section 12 - ‘Well designed places’ states that good design is a key aspect of sustainable development and that the planning and development process should achieve the creation of high quality buildings and places.
- Section 14 ‘Planning and Flood Risk’ requires that inappropriate development in areas at risk of flooding should be avoided and where development is allowed this should be demonstrated through an appropriately flood risk assessment including appropriate drainage and mitigation measures.
- Section 15 – Conserving and Enhancing the Natural Environment. Paragraph 180 states that 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 mitigate and reduce to a minimum 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.

Crawley Borough Local Plan 2015 – 2030 (adopted December 2015)

- 5.2 Policy SD1 (Presumption in Favour of Sustainable Development) states that the Council will take a positive attitude towards approving development which is sustainable.
- 5.3 Policy CH2 (Principles of Good Urban Design) states that all proposals for development in Crawley will be required to respond to and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- 5.4 Policy CH3 (Normal Requirements of All New Development) states that all new developments should meet the requirements necessary for their safe and proper use, in particular with regard to access, circulation and manoeuvring. Proposals should be based on a thorough understanding of the significance and distinctiveness of the site in its immediate and wider context and demonstrate how attractive or important features to area (such as views, rights of way, green spaces) would be integrated, protected or enhanced. Proposals should be well landscaped and supported by a future management and maintenance plan.
- 5.5 Policy CH4 (Comprehensive Development and Efficient Use of Land) requires development to use land efficiently and not unduly restrict the development potential of adjoining land.
- 5.6 Policy CH6 (Tree Planting and Replacement Standards) requires that where proposals result in the loss of trees, the losses must be replaced or mitigated. Where possible the trees are expected to be provided on site although, where this is not feasible, commuted sums will be sought in lieu.
- 5.7 Policy CH7 (Structural Landscaping). The area is identified as Structural landscaping making an important contribution to the character and appearance of the area. Development that affects this role should demonstrate the visual impact of the proposals and should protect and/or enhance structural landscaping where appropriate. Opportunities will be sought to deliver enhancements.

- 5.8 Policy CH11 (Rights of Way and Access to the Countryside) seeks to ensure proposals which detract from the character of a right of way adequately mitigate the impacts or provide a new resource of better or equal value.
- 5.9 Policy ENV1 (Green Infrastructure) seeks to conserve and enhance Crawley's multi-functional green infrastructure network. The policy sets out 6 measures including that :-
- Proposals which reduce, block or harm the functions of the green infrastructure will be required to be adequately justified, and mitigate against any loss or impact; and,
 - Opportunities to maintain and extend links will be encouraged.
- 5.10 Policy ENV2 (Biodiversity) requires all development proposals to incorporate features that encourage biodiversity and where possible enhance existing features of nature conservation value within and around the development. Habitat and species survey will be required to accompany applications on sites with likely ecological value.
- 5.11 Policy ENV4 (Open Space, Sport and Recreation) sets out the criteria the Council will use to determine proposals that affect open space. Proposals will not be permitted unless an assessment of the needs for open space, sport and recreation clearly show the site to be surplus to requirements, or the loss resulting from the development would be replaced by equivalent or better provision.
- 5.12 Policy ENV6 (Sustainable Design and Construction) requires all development to demonstrate how it will meet sustainability objectives both in its design and construction processes and also specifically to achieve BREEAM excellent for water and energy credits where viable.
- 5.13 Policy ENV8 (Development and Flood Risk) states that where development may be vulnerable to flooding it must be demonstrated through a Flood Risk Assessment how appropriate mitigation measures will be implemented as part of the development to ensure flood risk is made acceptable on site and is not increased elsewhere.
- 5.14 Policy IN1 (Infrastructure Provision) states that development will be permitted where it is supported by the necessary infrastructure both on and off site and if mitigation can be provided to avoid any significant cumulative effects on the existing infrastructure services.
- 5.15 Policy IN3 (Development and the Requirements for Sustainable Transport) encourages modal change particularly to public transport, cycling and walking and, taking advantage of opportunities to utilise the public transport, cycling and walking network.
- 5.16 Policy H2 (Key Housing Sites) - This policy identifies the land north of the bus gate (including the existing play area) as a 'Developable' housing site for 24 dwellings. It states that development of this site must '*provide a replacement play area of equivalent or better quantity and quality in a suitable location*'. Further justification is provided in para 6.52 of the supporting text.

Supplementary Planning Documents

- 5.17 The following planning documents are applicable to the development of this site and can be viewed at www.crawley.gov.uk/crawley2030spd.
- Planning and Climate Change SPD (adopted October 2016) – Sets out guidance seeking to reduce energy consumption, minimise carbon emissions during development, support District Energy Networks, using low carbon or renewable energy sources, tackling water stress, coping with future temperature extremes, dealing with flood risk and promoting sustainable transport.
 - Green Infrastructure (adopted October 2016) – Sets out the Council's approach to trees, open space and biodiversity. It also includes the justification and calculations for tree replacement and new tree planting under Policy CH6. A contribution of £700 per tree is sought for each new dwelling and to cover net tree loss as a result of any development.
 - Urban Design SPD (adopted October 2016) – With specific reference to Crawley's character, the SPD addresses in more detail the seven key principles of good urban design identified in Local Plan Policy CH2.

- Developer Contributions Guidance Note (adopted July 2016) Following the introduction of the Community Infrastructure Levy, this guidance note sets out the Council's approach to securing contributions towards infrastructure provision.

Emerging Local Plan – Crawley Borough Local Plan 2020-2035 – November 2019 – Regulation 19 Draft

5.18 This draft Local Plan has been approved by Full Council at its meeting on the 16th December 2019 and will be subject to public consultation between January and March 2020. This emerging Local Plan is still at a relatively early stage in its consultation and adoption process and therefore its policies have limited weight in the determination of planning applications at this time. The following policies are of relevance:

- SD1: Presumption in Favour of Sustainable Development.
- SD2 Enabling Healthy Lifestyles and Wellbeing
- CL2 Making Successful Places: Principles of Good Urban Design
- CL3 Local Character and the Form of New Development
- CL4 Effective Use of Land: Sustainability, Movement and Layout
- CL6 Structural Landscaping
- DD1 Normal Requirements of All New Development
- DD4 Tree and Landscape Character Planting
- DD5 Tree Replacement Standards
- OS1 Open Space, Sport and Recreation
- OS3 Rights of Way and Access to the Countryside
- IN2 The Location and Provision of New Infrastructure
- GI1 Green Infrastructure
- GR2 Biodiversity and Net Gain
- H2 Key Housing Site. (Land at Henty Close remains a housing allocation.)
- EP1 Development and Flood Risk
- EP4 Development and Noise
- EP5 Air Quality
- EP6 External Lighting
- ST1 Development and Requirements for Sustainable Transport

PLANNING CONSIDERATIONS:-

- 6.1 The principle of the creation of a bus gate has been accepted as part of the Kilwood Vale neighbourhood. The land in question is playing field however, as part of the current adopted Local Plan an indicative bus gate route was already 'excluded' from the open space calculations due this commitment in the Joint Area Action Plan. Furthermore, in the evidence base to support the adopted local plan the provision of the bus gate was also considered necessary in order to allow a vehicular access to the housing allocation at Henty Close.
- 6.2 It is therefore not considered that a further Open Space Assessment is necessary in this case in order to satisfy the requirement of policy ENV4 as the tests under this policy are not considered applicable for the reasons set out in paragraph 6.1 above.
- 6.3 While the principle of the use is acceptable, the site has some significant environmental constraints and the design needs to address the other policy requirements of the local plan as set out below:
- Impact on trees, ecology and landscape
 - Impact on green infrastructure and rights of way
 - Impact on the amenities of nearby residents
 - Drainage and Flood Risk
 - Impact on roads and traffic
 - Comprehensive Development

Impact on trees, ecology and landscape

- 6.4 The proposal would result in the loss of a number of trees and related landscaping. On the HDC side the applicants state the removal of this landscaping has been agreed as part of earlier permissions. On CBC land an area of self-seeded woodland/ scrub to the north of the rear gardens of numbers 37-42 Manorfields is proposed to be removed. Further trees are to be removed around Spruce Hill Brook footbridge in order to carry out the necessary drainage infrastructure works.
- 6.5 Based on the tree survey provided by the applicant, 3 Willow, 3 Alder, 1 Norway Maple, 1 Silver Birch and 1 Poplar are proposed to be removed along with an area of self-seeded woodland where the survey identifies 19 trees. Based on the planting standards set out in policy CH6, 34 replacement trees are required for the 9 individual specimen trees identified for removal and a further 19 trees are required to replace those lost within the self-seeded woodland, making a total of 53 trees.
- 6.6 A number of replacement trees are proposed to be planted by the applicants including 18 Silver birch along the rear boundary with the properties in Manorfields and a further 16 trees along the northern side of the bus gate. It is not considered that the replacement planting is appropriate for the site as the proposed species mix is limited and there is little space for the trees to mature. The numbers proposed would not fully mitigate those lost in line with policy CH6. It is considered however that a revised landscaping scheme can be agreed and secured via conditions along with a legal agreement to provide payment in lieu for any deficit.
- 6.7 An ecological report was provided with the application, CBC have no specific consultee comments but HDC ecological advisor is satisfied there would be no adverse impact upon protected species and nearby sensitive habitats. It is considered that this specialist advice can be relied upon in this instance.
- 6.8 The site is also designated as an area of structural landscaping identified under policy CH7 as making an important contribution to Crawley and its neighbourhoods in terms of character, appearance, structure and screening. The development would clearly introduce a visual gap between the established landscaping to allow for the introduction of the bus gate. While this will introduce gap in the landscaped backdrop to Bewbush, the width of the gap is considered limited given the single track nature of the gate. This gap is not considered to weaken the structural landscaping in the area and is proposed to be supplemented by additional tree planting. It is considered that the proposal subject to suitable planting would comply with the policy requirements of policy CH7.

Impact on rights of way and green infrastructure

- 6.9 As set out in 6.1, the principle of the loss of the land as open space was established in the JAAP and adopted Crawley Borough Local Plan. However, policy ENV1 seeks to conserve and enhance the multi-functional green network of which this land is part in terms of its visual impact (already discussed above) but also in terms of the value of such land to wildlife and for recreation purposes. It is considered that the impact on the remaining playing field and playground are acceptable. The routes to the playing field from Sullivan Drive are retained and will be improved with lighting, a wider pedestrian path and new cycle link onto the bridleway. Links from Bewbush direct to Kilnwood Vale would also be improved with a new direct route that would benefit residents from both neighbourhoods, access to green space and provide additional permeability of travel east to west on foot or bicycle.
- 6.10 The existing bridleway will be severed by the bus gate and the route diverted. The right of way will be retained and the area around the bus gate would be resurfaced. It is noted that the British Horse Society remain concerned about the visibility and the appropriateness of the proposed signage however it is considered that such details are for the public rights of way team and WSCC highways to implement. While the severing of the bridleway would result in potential conflict between equestrians and cyclist using the route by slowing travel along this route slightly, the balance needs to be considered against the improved east west route for cyclists, pedestrians and buses and in this case the it is considered that the bridleway as amended would still remain safe and convenient and therefore the proposal would not conflict with policy CH11 of the Local Plan.

Impact on amenities of neighbouring occupiers

- 6.11 The properties most affected by this proposal are numbers 37 -42 Manorfields to the south that have their rear gardens overlooking the self-seeded woodland which would be removed to make way for the bus gate. The loss of the trees would change the rear outlook for these houses by removing the screening from the playing field that is currently enjoyed by the residents. The rear boundaries of these properties are delineated by a 1.8m close boarded fence. While this boundary is not proposed to be changed with the removal of the intervening landscaping the rear boundary would feel much more open than at present and there could be a loss of privacy to the gardens as a result of the more open outlook.
- 6.12 The nearest part of the bus gate (road surface) would be set back 16.5m from the closest rear boundary and would be on a slight embankment. The change in levels would not be significant at the western end adjacent to no 37 but would increase to 800mm behind no 40 which appears from the levels drawing to be the highest point of the road. A section has been requested from the applicants to show the relationship of the road behind to this property. With the carriage way set higher than the existing ground level and bus passengers sitting higher in the vehicle than for cars, there would be an increase in overlooking to these properties.
- 6.13 It is not considered there is any harmful loss of privacy to the rear facing rooms of these properties, the gardens measure a minimum of 11.5m in length and combined with the slight setback of the bus gate carriageway from the property boundary is considered there would be sufficient distance to safeguard privacy to the rear facing rooms.
- 6.14 It is considered that suitable mitigation could be provided with appropriate boundary treatment. The applicants are currently proposing planting, however, the current tree mix is not considered effective and a more robust boundary to the rear gardens would be more appropriate. It is considered that an appropriate level of boundary screening though a mix of a suitable barrier and planting /hedging could be secured via condition. Such details also need to consider maintenance and the required forward visibility for the buses using the gate to ensure sight lines are retained. In terms of pedestrians and cyclists, they would be using the footpath a further 3.8 metres beyond the nearest edge of the carriageway(along the northern side of the route) which further reduces the opportunity for overlooking, any impacts from these users in terms of privacy would also be mitigated by improved boundary screening.
- 6.15 Comments are still awaited from environmental health on the submitted noise report and an update will be provided at the meeting.

Drainage and Flood Risk

- 6.16 Spruce Hill Brook watercourse is a key constraint on the development and during the course of the application there have been extensive discussions between the applicant, Environment Agency and the CBC Drainage Officer. A technical design solution has now been agreed by all parties and it is considered that the detailed aspects can be controlled via planning conditions.

Impact on Roads and traffic

- 6.17 The proposed bus gate is designed for use by buses and emergency vehicles only. The applicants had originally proposed passive enforcement measures for the bus gate and its use by taxis and emergency vehicles however CBC Officers and Metrobus were concerned that this would lead to abuse of the bus gate as a short cut by other vehicles. It is now proposed that the bus gate would be used by buses and emergency vehicles only and enforced with the use of ANPR cameras installed at the outset. Precise details of the design and siting of these cameras have not yet been provided by the applicant. It is however, considered that the use of these cameras would be an appropriate enforcement measure provided they are installed and operational on first use of the bus gate. Metrobus have commented that they are pleased with the proposed enforcement measures.
- 6.18 WSCC have commented that they have no overriding concerns with the design of the bus gate which is a single track route that requires west bound vehicles having to give way to east bound vehicles. Turning and tracking arrangements are considered adequate. WSCC has commented that they are satisfied with the arrangements made for cyclists having received some amended plans

showing these details. WSCC comment that to enforce the bus gate the applicants would need to fund a TRO (Traffic Regulation Order) which would be subject to its own consultation. WSCC now support the use of enforcement cameras to remotely monitor the operation of the bus gate. The enforcement measures would need to be secured via planning condition and a separate Highway Agreement.

- 6.19 The concerns of the cycle forum following re-consultation are noted and have been passed onto WSCC and the applicant for further comment, in particular in respect to the discrepancy highlighted between the Road Safety Audit and WSCC response and whether or not cyclists can use the bus lane as opposed to just using the shared footpath/cycle path. It is considered that most of the detailed comments raised by the cycle forum would be covered through the traffic regulation order. There is insufficient width to provide a dedicated cycle lane or verge between the bus lane the shared pavement/ cycleway and it is considered that this design has struck an appropriate balance between the needs of various sustainable transport modes.
- 6.20 Some residents in Bewbush have raised concern about the impact on existing bus stops with the change to the route. The applicants have responded that Metrobus to date has made no concrete decision on the day to day operation of its bus services through the gate at this time, the final schedule would be agreed in consultation with WSCC as bus stops are not subject to control through the planning system.

Comprehensive Development

- 6.21 Policy CH4 seeks to use land efficiently and not unduly restrict the development potential of adjoining land. Officers have sought to ensure that the potential housing allocation site at Henty Close is not prejudiced by the design of the bus gate. The applicants have provided a plan showing an indicative future access to the Henty Close allocation however the practicalities of the design and its relationship with the efficient working of the bus gate would need to be carefully considered if the site were to come forward along with the other environmental constraints relating to drainage which impact the land. From the limited information supplied the current bus gate design suggests that a future access to serve the housing allocation is capable of being delivered and the proposal would therefore comply with Policy CH4.

Infrastructure Contributions

- 6.22 It is considered that a section 106 Agreement will be necessary to secure the appropriate tree mitigation as not all the required replacement trees are able to be accommodated on the site. Based on the indicative landscape drawings which Officers consider need further refinement, there is a deficit of at least 10 trees which would equate to an infrastructure contribution of around £7000 based on £700 per tree. It is considered that a formula based agreement would be appropriate to calculate the required contribution once a final planting plan has been agreed. The formula would be as follows:
- (Number of trees to be removed from site (based on CH6 calculation) x £700) minus (Number of new trees to be planted on site x £700)

CONCLUSIONS:

- 7.1 It is considered that the principle and need to provide the bus gate is firmly established. The route would provide an improved link to Kilnwood Vale and would enhance the operational efficiency of the local buses by providing a dedicated link between Bewbush and Kilnwood Vale avoiding the congestion and delays on the A264.
- 7.2 It is considered that the single track design is an appropriate balance between land take from the public open space and requirements of the bus company. The concern of Metrobus about the proposed design and the slowing down of buses is noted however, it is considered that any delay would be limited given likely frequency of the buses and furthermore the narrower carriageway and slightly slower buses through gate would be appropriate given the route crosses an existing bridleway, is adjacent to the homes in Manorfields, a children's play area and cuts across a playing

field. The resultant design has also had to address extent of hard surface vs flood risk which has been a key consideration

- 7.3 It is considered that an appropriate balance has been struck between the competing needs of cyclists, pedestrians, equestrians and buses. The diversion / alteration to the existing bridleway is considered acceptable and the 3m wide shared foot/cycleway would be an improvement on the existing provision. A balance needs to be struck in regard to the loss of playing field and competing transport modes.
- 7.4 It is considered that there would be an impact on nearest houses especially to the rear gardens in terms of privacy in the short term, however, privacy can be safeguarded with appropriate boundary treatment and landscaping. It is considered appropriate re-planting can be provided to mitigate the loss of trees and encourage biodiversity
- 7.5 The development would result in a new piece of sustainable transport infrastructure to improve local bus services and improve linkages for cyclists and pedestrians. The proposal is considered to comply with the relevant local plan policies set out in Section 5 above and subject to securing a legal agreement to address tree mitigation is recommended for permission with the following conditions:

RECOMMENDATION:

To permit the application subject to securing a S106 agreement and the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding any design submitted with the application details, the culvert should be no more than 20m long with a 'v' notch shaped to the base of the culvert.
REASON: To control the detail of the design and ensure the development does not increase the risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
4. Prior to first use of the bus gate, at least 5m of channel length either side of the culvert must be restored by removing the existing concrete channel and replacing with 20mm sized gravels. The 5m of restoration of the culvert should start from the end of the culvert headwall either side.
REASON: In order to ensure adequate mitigation for the culvert and to avoid the increased risk of flooding in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.
5. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Reference 11950 and associated drainage note revision F1) and the following mitigation measures it details save as varied by the points listed below:
The low flow channel within the culvert is to be set 300mm below the existing bed level.
There is a minimum freeboard of 150mm from the anticipated 1 in 1000 year water level and the top of the culvert.
The culvert is sized as 1500mm x 1500mm.
The proposed drainage strategy is correctly implemented.
The minimum orifice on the flow control pipes is 75mm.
These mitigation measures shall be fully implemented prior to the bus gate being brought into operation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter through the lifetime of the development.
REASON: To prevent an increased risk of flooding to the area and to reduce the risk of blockage to the control pipes in accordance with policy ENV8 of the Crawley Borough Local Plan 2015-2030.

6. No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on and off site have been protected in accordance with the details set out in the Arboricultural Method Statement and accompanying tree retention / removal plan 2754-5-SD DR-5701-S4-P4. Within the protected areas, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
REASON: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015 - 2030.
7. The development hereby approved shall not be brought into use unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping hard and soft which shall include details of the following:
1. Details of all soft planting (species, numbers of specimens, plant size, spacing, medium for planting and method of implementation);
 2. Details of paving /surfacing;
 3. Details of all fencing to include the proposed boundary treatment for the rear boundaries of numbers 37-42 Manor Fields;
 4. Details of the retaining wall structures and landscaping thereof;
 5. Details of any external lighting (to accord with the recommendations in the submitted Ecological Assessment);
 6. Details of the enhancement opportunities provided within the layout to address the requirements in for mitigation as set out in the Ecological appraisal;
 7. Details of maintenance and management of the hard and soft landscaping.
The approved details of the landscaping shall be carried out by the end of the first planting and seeding season, following the completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of amenity and of the environment to ensure appropriate species mix and adequate screening / privacy for the residents of Manorfields in accordance with policies ENV2, CH6 and CH3 of the Crawley Borough Local Plan 2015 - 2030.
8. The bus gate shall not be first used until enforcement cameras have been implemented on the bus gate in accordance with plans and details that have first been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The submitted details shall include but not be limited to the locations and specification of the proposed enforcement cameras and how they will operate.
REASON: To prioritise sustainable transport to Kilnwood Vale and to ensure these are appropriately located to safeguard the privacy of adjoining residents in accordance with policies SD1 and CH3 of the Crawley Borough Local Plan 2015-2030.
9. No development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
- the method of access and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works,
 - those measures necessary to safeguard the users of the bridleway number 1550.
- REASON: In the interests of highway safety and the amenities of the area in accordance with policy CH3 of the Crawley Borough Local Plan 2015-2030.

INFORMATIVES

1. PROVISION OF ADOPTABLE HIGHWAY

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Highway Agreement Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

2. TRAFFIC REGULATION ORDER

The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed prohibition of driving along the bus gate for vehicles other than passenger transport and emergency vehicles. The application would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

1. NPPF Statement

In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- Liaising with consultees/respondents/applicant/agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking amended plans/additional information to address identified issues during the course of the application.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.



ArcGIS Web Map

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