

**LOCATION:** [SULLIVAN DRIVE, BEWBUSH, CRAWLEY](#)  
**WARD:** Bewbush and 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

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**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-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-CH111	P6	Visibility Splays
11950-SD-CH112	P6	Lighting Column Locations
2754-5-SD DR-5000	P8	Landscape Proposals
2754-5-SD DR-5001	P7	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

**PURPOSE**

Members will recall that a report on planning application CR/2019/0589/FUL relating to the construction of a bus gate between the residential neighbourhoods of Bewbush and Kilnwood Vale was considered at the Planning Committee on the 14<sup>th</sup> January 2020.

The current report sets out to update the Planning Committee on the committee resolution to grant planning permission subject to the conclusion of a Section 106 Agreement.

## **BACKGROUND**

The site to which this report relates is around 0.17 hectares of land crossing the administrative boundaries of Crawley and Horsham. The land within Crawley Borough is open space and formerly part of Bewbush West Playing Field. It comprises a mixture of grass and woodland/scrub. The proposal was to construct a single track bus gate between the Sullivan Drive roundabout connecting to a spine road within Kilnwood Vale to allow improved access for buses. A new pedestrian and cycle path was also proposed as part of the design.

The Planning Committee resolved to grant planning permission subject to the completion of a Section 106 Agreement to secure appropriate tree mitigation and subject to a number of conditions.

The S106 was required to mitigate for the trees to be lost from the amenity land in order to make space for the bus gate. At the time the report was prepared the applicants had not demonstrated that they could plant the required number of trees to mitigate those lost in line with policy CH6 and therefore a contribution would be necessary for the shortfall.

From the evidence provided with the planning application, which included a tree survey, 9 specimen trees were proposed to be removed along with 19 trees from within the self-seeded woodland. Based on the tree sizes and the replanting standards set out in policy CH6, 34 new trees were required for the 9 specimen trees to be removed and a further 19 trees (based on a 1-1 replacement) were required for those lost from the self-seeded woodland. In total there was a requirement for 53 replacement trees.

## **PROPOSED CHANGES**

At the time the application was presented to the committee, the applicants were proposing the planting of 34 replacement trees (a shortfall of 19 specimens).

Since the Committee resolution, the applicants have been working with Officers to increase the tree planting on the site and to improve the species mix of the landscaping. An amended scheme has now been submitted which proposes 63 replacement trees (although it should be noted 4 of these are within Horsham District due to the cross boundary nature of the application). A total of 59 trees are proposed within the CBC boundary, which is 6 more than the required 53 replacements calculated.

The amended plan is considered to show an appropriate number of trees and of suitable species to provide attractive screening and space to establish. It is therefore considered that it has been demonstrated that a suitable landscaping scheme can be provided with the appropriate number of replacement trees. As the tree mitigation can now be planted wholly on land owned and controlled by the applicant, the requirement for tree mitigation through off site provision in the form of a tree contribution is no longer required. The landscaping condition is still proposed as precise details of the hard and soft landscaping design still need to be agreed.

It should be noted however that since the Committee resolution, the trees have been cleared from the site. There has been one further representation from a nearby resident since the previous report querying why trees on the northern side of the bus gate had been felled. The applicants have rechecked the site following this query and provided evidence that the felling has been undertaken in accordance with the submitted tree clearance plan. The number of trees that need to be replaced is not changed as result of the tree clearance that has been undertaken.

Officers therefore recommend that the application be permitted without the requirement for a Section 106 Agreement, given that the replacement trees can now be accommodated on the applicant's land (and within the CBC boundary). Officers consider that the approach to providing the tree mitigation on site is not only in line with policy CH6 but is also clearly preferable to the off-site payment in lieu.

## **RECOMMENDATION RE: CR/2019/0589/FUL**

PERMIT - Subject to 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 revision note 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 to be informed by a detailed cross section drawing showing the change in levels between the rear gardens and carriageway;

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 bridway 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.

10. 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 in writing a Noise Survey and a detailed scheme of mitigation. The agreed mitigation measures shall be implemented prior to the first use of the bus gate.

REASON: To safeguard the amenity of occupiers of noise sensitive properties in accordance with policy ENV11 of the Crawley Borough Local Plan 2015-2030.

#### INFORMATIVES(S)

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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