

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	23 October 2013
Title:	New Junction with Eclipse Busway and Removal of Existing Road Bridge at Rowner Road, Gosport (Application No: 13/00323/HCC3) (Site Ref: GPH002)
Reference:	5283
Report From:	Head of County Planning

Contact name: Kristina King

Tel: 01962 846496

Email: kristina.king@hants.gov.uk

1. Executive Summary

- 1.1. The planning application is sought for the removal of the existing road bridge at Rowner Road, Gosport to enable the construction of a new at grade junction. The new junction is required as the busway is to terminate at this location and connect to the existing road network to more effectively serve the local areas as opposed to continuing to Military Road as permitted by planning permission P/09/0278/CC; K17678.
- 1.2. The main issues raised by the proposal are the amenity for residents who live adjacent to the junction, the visual impact, nature conservation impact and pedestrian, cyclist and highway impact.
- 1.3. It is considered that the proposal is in accordance with the development plan; Gosport Borough Local Plan Review (2006). The principle of the development has been established through the granting of planning permission P/09/0278/CC; K17678 and policy R/T5. There would be appropriate mitigation measures in place to protect the amenity of residents adjacent to the junction, the visual impact would be acceptable as appropriate landscaping is proposed (R/DP1). Furthermore there would be no adverse nature conservation impact for protected species with suitable mitigation measures being proposed (R/OS13) and the development would not impact upon Portsmouth Harbour SPA, RAMSAR and SSSI (R/OS11). The development would make improvements to a public transport interchange with bus priority measures which will thereby encourage the use of public transport in the local area (R/T6) and the proposal is acceptable in terms of pedestrian and highway safety and design (R/T9).

The recommendation is that planning permission be granted subject to conditions.

2. Site and Planning History

- 2.1. The site, as shown on the attached plan, is at the point where Rowner Road travels over an existing cycleway/footway. The cycleway/footway currently connects Tichborne Way to the north with Military Road to the south. The road bridge is located to the south east of a residential area, to the south west of a care home, to the north west of Brune Park Community College sports grounds and to the north east of a factory. Gosport Footpath No.7 runs along the edge of the cycleway/footway which connects to Military Road. Along the side of the existing cycleway/footway are areas of mature vegetation and trees. The site is over 1 kilometre from the Portsmouth Harbour Site of Special Scientific Interest (SSSI), part of the Portsmouth Harbour Wetland of international importance under the RAMSAR convention (RAMSAR site) and Special Protection Area (SPA) and approximately 650 metres from the nearest Site of Importance for Nature Conservation (SINC).
- 2.2. Planning permission was granted in July 2009 for the construction of the busway between Redlands Lane in Fareham to Military Road in Gosport (P/09/0278/CC; K17678). The planning permission has been implemented from Redlands Lane to Tichborne Way. The bus route was originally intended to follow the existing cycleway/footway from Tichborne Way and pass beneath Rowner Road before continuing to Military Road.
- 2.3. A decision has been taken that for operational reasons it is felt that it would be more effective to have the bus route join the existing road network at Rowner Road and then serve the local residential areas.

3. Proposal

- 3.1. Planning permission is sought for the removal of the Rowner Road Bridge which travels over the existing cycleway/footway that connects Tichborne Way to Military Road. It is proposed that an at grade junction would replace the existing road bridge and that it would be a signal controlled junction. It is proposed that the second phase of the previously approved development would be commenced when funding is secured and this would link to the Rowner Road at grade junction. The cycleway/footway which currently runs to Military Road from Rowner Road would remain.
- 3.2. To enable the creation of the at grade junction the vertical alignment of the bus route and cycleway/footway would be raised by approximately 2 metres, and the vertical alignment of Rowner Road be lowered by about 2 metres as detailed on plan EC/CJ005764/P/01 revE. The busway is to be approximately 6.2 metres in width with a 3 metre wide pedestrian/cycle track. The busway can also be used by cyclists. The busway will be open from 05.45 to 23.15, access control barriers are proposed to prevent

vehicular access when the busway is closed. The pedestrian/cycle track would remain open 24 hours a day. There are to be two bus stops provided, BRT17 for users travelling south and BRT18 for those travelling north. A covered cycle shelter is proposed to the rear of BRT17.

- 3.3. The junction is to be dynamically signal controlled, with priority being given to buses when they near the proposed junction. When there is no bus present, the signals will remain green for Rowner Road traffic. The signal equipment will also detect cyclists using the busway from all directions.
- 3.4. To the west of the junction a new toucan crossing is proposed to enable pedestrians and cyclists to cross Rowner Road. The footways on Rowner Road are to be widened to 3 metres thereby providing a shared use cycleway/footway. In response to comments from Gosport Borough Council a shared use ramp is proposed from Turner Avenue to the north eastern corner of the proposed junction. In addition to this there will be stepped access from Turner Avenue to Rowner Road. A 2.2 metre high acoustic fence is proposed around the north western corner of the junction between the junction and the nearest residential properties in Turner Avenue. A noise assessment has been submitted which states that the installation of the acoustic fence would result in a moderate to beneficial change in noise levels for those properties closest to Rowner Road.
- 3.5. Lighting of the busway and cycleway/footways is to be provided and where possible existing lighting columns will be retained. The mounting columns are to be 10m in height along Rowner Road and 6m along the busway where the busway connects to Rowner Road an 8m high column is proposed. All lights are to be directional with light cut-off canopies. A Closed Circuit Television (CCTV) mast is to be installed at the entrance to the busway.
- 3.6. There are a number of trees and areas of hedgerow that will require removal to facilitate the construction of the at grade junction. To replace the trees lost there is replacement tree planting proposed with a mixture of native species being suggested. In addition to the tree planting grass is to be seeded, native shrub planting is proposed along with areas of formal hedge planting as shown on the landscaping plan EC/CJ005764/P/06 revB.
- 3.7. Detailed ecological appraisal was submitted with the planning application due to the potential for the site to support legally-protected species. An Extended Phase 1 Ecological Survey was carried out, this included badger surveys, bat survey and dormouse survey. There were no bat roosts recorded, however the site provides suitable foraging and community habitat for bats, particularly along the root of the existing cycleway/footway. There was no evidence of dormice found and it is considered that the site and surrounding landscape generally provides a suboptimal habitat due to the fragmented nature of potential habitat. The site provides suitable foraging and sett building habitat for badgers with a number of sett entrances being identified within or close to the area to be directly affected

by the works. A licence from Natural England will be required to enable mitigation work which affects badgers to be carried out.

4. Development plan

- 4.1. The development plan document for consideration is the Gosport Local Plan Review (May 2006).
- 4.2. The policies most relevant to the proposed development are R/DP1 (General standards of development within urban area), R/T5 (safeguarding for the implementation of the South Hampshire Rapid Transit: Fareham-Gosport-Portsmouth), R/T6 (Improvements to public transport), R/T9 (cycleways and footpaths), R/OS11 (Protection of Areas of National Nature Conservation Importance) and R/OS13 (Protection of habitats supporting protected species).

5. Consultations

- 5.1. **The Local Member, Councillor Carter** supports the proposal.
- 5.2. **Gosport Borough Council** raises no objection subject to conditions and minor alterations to the detailed design.
- 5.3. **Gosport Environmental Health** raise no objection but note that there is the potential for ground contamination and therefore recommend that a planning condition is attached recommending that if contaminated land is found that a remediation strategy should be completed.
- 5.4. **Natural England** raise no objection if the proposal is carried out in strict accordance with the details of the application, it will not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified.
- 5.5. **Environment Agency** raise no objection to the proposal.
- 5.6. **Highway Authority** raise no objection subject to the inclusion of conditions to require the submission of a Construction Traffic Management Plan to include full details of measures to prevent mud and spoil leaving the site.
- 5.7. **Rights of Way** raise no objection as there is appropriate provision for protective fencing so that Gosport Footpath No.7 can remain in continual use while construction is being undertaken.

6. Representations

- 6.1. No representations have been received in relation to this planning application.

7. Commentary

- 7.1. The principle of the changes to the junction remains in accordance with policy R/T5. Whilst it is recognised that the scheme would not provide continued onward travel for buses to Military Road there remains the cycleway/footway connection and therefore future development is not prevented.
- 7.2. A comprehensive noise assessment was completed which identified that need for mitigation in the form of acoustic fencing at the north western corner of the at grade junction. The proposal includes this fencing and consequently there would be moderate to beneficial changes to those properties in Turner Avenue closest to Rowner Road. With regard to potential visual impact from the development the reduction in the existing levels of Rowner Road by approximately two metres will have a beneficial impact on the area. The proposed acoustic fencing will sit at a height that is greater than nearby private fencing due to ground levels, it is considered that this will not have an unacceptable visual impact. Whilst there are trees which need to be removed to facilitate the construction of the busway as much of the existing boundary trees and vegetation are to be retained as possible. Furthermore the extensive replacement tree and vegetation planting that is proposed will provide appropriate mitigation and new planting on Rowner Road will enhance the street scene and thereby improve the character of the area. The proposed lighting will not be visually intrusive as, in the main, the lighting columns will replace existing. The proposal is in accordance with R/DP1.
- 7.3. When considering the potential for the development to impact upon protected species (bats and dormice), it is considered that the mitigation measures proposed would be appropriate to ensure that there would not be an adverse impact on the protected species or their habitat. Therefore the development is unlikely to result in a breach of the EU Directive. With regard to badgers, there is the need to close a couple of setts for the duration of the works and at present there are no detailed schemes for carrying out the work, however the outline proposals are acceptable. Therefore it is acceptable for the applicant to provide updated detailed information regarding the badger mitigation strategy prior to development commencing, this should be conditioned. Further recommended conditions comprise of one to secure the proposed landscaping specifications and the submission of a detailed Biodiversity Construction Management and Enhancement Plan. So long as the proposed conditions are secured it is considered that the proposal accords with policy R/OS13. The proposed works are such that if they are carried out in accordance with the plans and particulars they will not have an impact on the Portsmouth Harbour Site of Special Scientific Interest (SSSI) nor the Portsmouth Harbour Wetland of international importance under the RAMSAR convention (RAMSAR site) and Special Protection Area (SPA), the proposal is in accordance with Policy R/OS11.

- 7.4. The development would meet the aims of policy R/T6 as it would improve public transport interchanges, providing bus priority measures to help encourage residents in the local area to use public transport. The proposed alterations to the junction will not generate any additional vehicle trips; design of the junction is such that there will be minimal impact or delay on the users of Rowner Road. Furthermore the signal control junction and additional crossing points for pedestrians and cyclists will help create a safer environment. Prior to development commencing it is recommended that a Construction Traffic Management Plan is submitted for written approval to include details on wheel and vehicular cleaning to prevent mud and spoil being tracked onto the highway. The development is in accordance with policy R/T9.
- 7.5. In conclusion, it is considered that the proposal is in accordance with the development plan Gosport Borough Local Plan Review (2006). The principle of the development has been established through the granting of planning permission P/09/0278/CC; K17678 and Policy R/T5. There would be appropriate mitigation measures in place to protect the amenity of residents adjacent to the junction, the visual impact would be acceptable as appropriate landscaping is proposed (R/DP1). Furthermore there would be no adverse nature conservation impact for protected species with suitable mitigation measures being proposed (R/OS13) and the development would not impact upon Portsmouth Harbour SPA, RAMSAR and SSSI (R/OS11). The development would make improvements to a public transport interchange with bus priority measures which will thereby encourage the use of public transport in the local area (R/T6) and the proposal is acceptable in terms of pedestrian and highway safety and design (R/T9).

8. Recommendation

- 8.1. That planning permission in respect of New Junction with Eclipse Busway and Removal of Existing Road Bridge at Rowner Road, Gosport (Application No: 13/00323/HCC3) (Site Ref: GPH002) be approved subject to the conditions listed in integral Appendix B.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

New Junction with Eclipse Busway and Removal of Existing Road Bridge at Rowner Road, Gosport (Application No: 13/00323/HCC3) (Site Ref: GPH002)

EII Court West, The Castle, Winchester, Hampshire. SO23 8UD.

CONDITIONS

Timescale

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

Hours of Working

3. No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700 - 1830 Monday to Friday and 0800 - 1700 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

Materials

4. The materials to be used shall be as specified on the approved plans.

Reason: In the interests of visual amenity.

Landscape

5. Any trees or shrubs which within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity.

Contamination

6. If, during development contamination not previously identified is found to be present at the site then no further development or site clearance shall be carried out until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. Development shall proceed in accordance with the remediation strategy.

Reason: To ensure that risks from land contamination, ground gases and contaminated groundwater to the future uses of the land, neighbouring land, surface water, ground water and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors.

Noise, Dust and Odour

7. Prior to development commencing an Environmental Management Scheme for the control of noise, dust and odour at the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be implemented as approved for the duration of the site's operation.

Reason: In the interests of local amenity.

Protection of Water Environment

8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow piles shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment.

9. Construction of the busway shall not deign until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrogeological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is completed and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- (i) Information about the design storm period and intensity;

- (ii) The method employed to delay and control surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- (iii) A timetable for its implementation; and
- (iv) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: In order to protect the water environment.

Highways

10. A Construction Traffic Management Plan, including lorry routes, parking and turning provision to be made on site, measures to prevent mud and soil from being deposited on the highway and a programme for construction shall be submitted to and approved by the Local Planning Authority in writing before development commences. The agreed details shall be fully implemented before the development is commenced.

Reason: In the interests of highway safety.

Nature Conservation

11. Development shall proceed in accordance with the landscaping specifications set out in the plan reference EC/CJ005764/P/06 revB, with this landscaping permanently retained and maintained to secure a dark elevated verge across the junction.

Reason: to avoid impacts to bat commuting activity.

12. Prior to commencement, a detailed badger mitigation strategy as informed by ongoing monitoring work shall be submitted to and approved in writing by the local planning authority. Development shall subsequently proceed in accordance with any such approved details, with any long-term mitigation measures being permanently retained and maintained.

Reason: To avoid killing or injury to badgers.

13. Prior to commencement, a detailed Biodiversity Construction Management and Enhancement plan, including post-completion biodiversity monitoring and reporting shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with any biodiversity enhancement measures implemented being permanently retained and maintained.

Reason: To avoid impacts to legally protected and notable species and to conserve and enhance biodiversity.

Advice Note

1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.
2. Dormice and bats, and their breeding sites and resting places receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if dormice or bats, or evidence of dormouse or bat presence (e.g. dormouse nests, bat droppings, bat carcasses), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or professional ecologist.

Annexe to Reasons for Conditions
(as required by Article 31 of the Town and Country Planning
(Development Management Procedure) (England) Order 2010)

GOSPORT BOROUGH LOCAL PLAN REVIEW (MAY 2006) SAVED POLICIES

Policy R/DP1 general standards of development within urban area

Development proposals will be permitted within the urban area, as defined on the Proposals Map, provided that:

- i. the scheme does not cause significant harm to the character of the surrounding area in terms of scale, setting, design, layout, materials, landscaping and the retention of important views;
- ii. significant harm is not caused to the historic environment and buildings of national and local importance, nature conservation interests and important landscape features;
- iii. where proposals are submitted either on or near to a site that is either known to be, or may be contaminated, the nature and extent of any such contamination has been determined and if appropriate the necessary remediation measures have been identified and agreed;
- iv. there is no significant loss of amenity, which could include issues such as traffic generation, noise, vibration, smell or pollution;
- v. any new scheme does not prevent the ability in appropriate circumstances to obtaining the proper comprehensive development of adjoining land;
- vi. appropriate infrastructure, safe access and parking arrangements can be provided or are available to the site;
- vii. any layout is designed to reduce the potential for criminal activity and antisocial behaviour; and
- viii. it has been demonstrated that the risk of flooding both to the proposed development and arising from the development has been appropriately considered and that the proposal incorporates relevant on-site and off-site flood prevention measures as appropriate.

R/T5 South Hampshire Rapid Transit

Development proposals will not be permitted where they would conflict with land required to be safeguarded for the implementation of the South Hampshire Rapid Transit: Fareham–Gosport–Portsmouth.

R/T6 Improvements to public transport

Development proposals which promote improvements to public transport interchanges and corridors, bus priority measures and other measures that will encourage the use of public transport will be permitted.

R/T9 Cycleways and footpaths

Development proposals which improve and extend the footway, footpath and cycleway network including those identified in the Gosport Cycling Strategy will be permitted.

R/OS11 Protection of Areas of National Nature Conservation Importance

Development proposals will not be permitted if they may directly or indirectly harm a Site of Special Scientific Interest unless the reasons for the development clearly outweigh:

- i. the nature conservation importance of the site itself; and
- ii. the national policy to safeguard such sites.

Where development is exceptionally permitted the Authority will consider the use of conditions or planning obligations to ensure the protection of the site's nature conservation interest.

R/OS13 protection of habitats supporting protected species

Development will not be permitted on a site that would have an adverse impact on a protected species or its habitat unless it can be clearly demonstrated that there is an overriding need for the development. In such instances, the planning authority will impose conditions on the planning permission or enter into planning obligations to:

- i. facilitate the survival of individual members of the species;
- ii. reduce disturbance to a minimum; and
- iii. provide adequate alternative habitats to sustain at least the current levels of population of the species.