

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	18 November 2015
Title:	Applications for Construction of a new southern section of Newgate Lane to provide a new connection from Newgate Lane to Peel Common Roundabout together with the construction of a junction and link road to access the existing route of Newgate Lane, at Land to the east of Newgate Lane, Fareham, Hampshire. (Application Nos. P/15/0717/CC and 15/00382/HCC3) (Site Refs: FAH007 and GPH003)
Reference:	7079
Report From:	Head of Strategic Planning

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1. Background and summary

1.1. This application was considered at the meeting of the Regulatory Committee held on 21 October 2015. The Committee resolved to defer consideration of the application and request the applicant to:

- a) Provide additional information on the potential for the provision of lay-by bus stops on the new route rather than 'in carriageway' stops;
- b) Provide additional information on the justification and need for the closure of the southern end of Newgate Lane, including what consideration was given to retaining vehicular access to the Peel Common roundabout for buses and/or local residents only;
- c) Explore the potential for an alternative access for maintenance vehicles to the Woodcote Lane detention basin, or a relocation of the detention basin.

1.2. The original report and associated appendices are attached as Annexe A to this report. Attached, as Annexe B, is the applicant's formal response to the reasons for the deferment of the application dated 30 October 2015. This contains additional information which seeks to address the specific issues raised in the Committee resolution and provides further justification for the application as originally submitted.

1.3. Having taken account of the additional information, the recommendation remains unchanged. It is considered that the proposal would be in accordance with the Fareham Borough Local Plan Part 1 (2011) & Part 2

(2015) and the Gosport Borough Local Plan Review (2006) and the recently adopted Gosport Borough Local Plan (2011-2029) and therefore it is recommended that planning permission in respect of construction of a new southern section of Newgate Lane to provide a new connection from Newgate Lane to Peel Common Roundabout together with the construction of a junction and link road to access the existing route of Newgate Lane, at Land to the east of Newgate Lane, Fareham Hampshire (Application No. P/15/0717/CC) (Site Ref: FAH007) & (Application No. 15/00382/HCC3) (Site Ref: GPH003) be approved for the above reasons, subject to the conditions listed in integral Appendix B to the original report.

2. Commentary

2.1. The applicant has produced a document which aims to address the reasons for the deferment of the application and focusses on the following three areas:

- 1) the potential for lay-by bus stops rather than 'in-carriageway' stops;
- 2) the justification for the proposed closure of the southern end of Newgate Lane; and
- 3) the potential for alternative access to the proposed Woodcote Lane detention basin.

The potential for lay-by bus stops rather than 'in-carriageway' stops

- 2.2. Members of the Committee raised concerns about the proposal for 'in-carriageway' bus stops, feeling that a lay-by provision would be safer and would allow for the freer flow of other vehicles using the highway.
- 2.3. The applicant has identified four key considerations which led to the preferred approach as proposed in the application – the frequency of the service, the presence of central hatching in the highway, the preference of the bus operator and the potential for delays in the bus service.
- 2.4. The service that would use the road is relatively infrequent (average one bus per hour in the working week between 07:21 and 18:39) and as a result it is considered that the stopping of buses on the carriageway would have a minimal impact on the free flow of other vehicles, Furthermore, the bus stops are adjacent to areas of central hatching in the highway. This would allow for vehicles to safely pass a bus should it be necessary and should ensure there are no significant delays. Appendix A to the applicant's report (attached as Annexe B) illustrates how vehicles would be able to pass a parked bus safely on both the north and southbound lanes.
- 2.5. The applicant has provided further information on the preference of the bus operator and a letter confirming their position is included as Appendix B to the submission. The operators (First Hampshire & Dorset Ltd) have confirmed that they are content with the proposed carriageway bus stop provision as it allows the buses to effectively remain in the traffic flow. They have also

clarified that lay-bys are generally only necessary where there are registered timing points, which does not apply to the stops in the proposed development.

- 2.6. The need to ensure that buses can operate efficiently and on time on the highway network is a key consideration. The provision of lay-bys would introduce a potential delay in the service, particularly at peak times, and the preference of the applicant and bus operator is to avoid this risk. The proposed new highway aims to improve travel times for car users but must also accommodate an efficient and sustainable public transport service.
- 2.7. Having regard to the planning merits of the proposal, it is concluded that the scheme is acceptable as proposed in respect of the facilities provided for public transport provision.

The justification for the proposed closure of the southern end of Newgate Lane

- 2.8. Members of the Committee queried the proposal to close the southern end of Newgate Lane to all vehicles and asked what consideration had been given to allowing limited access (e.g. for local residents or public transport). The issue of whether the bus service should continue to use the existing southern section of Newgate Lane, rather than the proposed new road, was also raised.
- 2.9. The document submitted by the applicant gives a brief summary of the results of a public consultation exercise relating to treatment for the southern end of Newgate Lane carried out prior to the submission of the planning application. The clear majority of those consulted (72%) were opposed to retaining full vehicular access to/from Peel Common roundabout as now. While there was some support for a bus and cycle only access there was equal support for no vehicular access (except for emergency vehicles).
- 2.10. In designing the scheme a key consideration has been highway safety. Retaining access to/from the roundabout would result in a five arm roundabout, which is generally regarded as poor practice to be avoided if possible. The applicant has explained that retaining access to the roundabout from the existing Newgate Lane could create both safety and capacity issues and compromise the operational effectiveness of the proposed roundabout junction.
- 2.11. The applicant has concluded that retaining a bus only access to the existing Newgate Lane would also create difficulties. This would require the installation of a 'bus gate' or a similar restriction which is generally discouraged outside town centre locations (Traffic Management Policy TM5). Furthermore, if the bus service continued to use the existing Newgate Lane, using a bus gate arrangement, the service could experience delays at the new priority junction where the existing road joins the proposed new road, when compared to using the new route. In considering this issue, the applicant has concluded that overall the preference is to use the new road for the bus service as this would serve a larger catchment area, picking up areas

of the Peel Common Estate which are not within the catchment of the existing service (see Appendix C of the applicant's report). Use of the new road for the bus service is also the preference of the bus operator.

- 2.12. Maintaining vehicular access for local residents only could not be effectively enforced and could encourage an alternative 'rat run'. This was not expressed as a preference in the pre-application consultation exercise and would reduce the attractiveness of the route as a cycle route, reducing the sustainability credentials of the scheme in this respect. It would also reduce the residential amenity enhancements to existing Newgate Lane properties that the scheme seeks to deliver.
- 2.13. It has been concluded, on balance, that the closure of the southern end of Newgate Lane is the best option for maintaining highway safety and capacity at the Peel Common roundabout junction and for maximising the residential amenity and cycle provision benefits that would result from the scheme. Transferring the bus service to the new road will allow for a more efficient service which will serve a larger catchment area. Any additional inconvenience for some Newgate Lane/Woodcote Lane residents (access to bus service and longer drive times if heading south) is outweighed by the amenity and environmental enhancements that the majority would benefit from.

The potential for alternative access to the proposed Woodcote Lane detention basin

- 2.14. The Committee expressed concern that the detention basin (sustainable drainage feature) proposed off the eastern end of Woodcote Lane would be used by maintenance vehicles resulting in a negative impact on residential properties fronting the lane.
- 2.15. The applicant has explained that other options for the location of the basin had been considered but that the proposed siting was the most suitable due to the proximity of the existing drainage ditch on the northern side of Woodcote Lane. The location and detailed design has been the subject of consultation with the occupier of the closest residential property and has been amended as a result. Measures have been introduced to ensure that the area cannot be used as a general turning head by other users of Woodcote Lane. The amended design is included as Appendix D to the applicant's response.
- 2.16. The possibility of taking vehicular access directly off the new road was considered by the applicant. This would require creating a larger gap in the noise bund and acoustic fence which form part of the critical noise mitigation measures at this point. It would also create an additional vehicular access on the new road where safety issues could arise, particularly having regard to the location of the bus stops, the uncontrolled pedestrian crossing and the bunding and fencing which compromise visibility.

- 2.17. The applicant has indicated that access to the basin is likely to be required approximately two times a year by a 'Transit' type van for inspection and vegetation management.
- 2.18. It has been concluded that the use of Woodcote Lane as vehicular access to the detention basin is unlikely to result in any significant disturbance or inconvenience to residents of the lane, and that the creation of an alternative access off the new road would be likely to create other amenity and safety issues.

Other issues

- 2.19. At the meeting held on 21 October officers reported additional information relating to the potential noise impacts of the scheme.
- 2.20. The reference to significant noise increase within paragraph 6.19 at page 11 of the original report refers to properties that would experience a 'high' impact as defined within the Environmental Statement (ES). This is based on a scale also including 'negligible', 'low' and 'medium' magnitude impacts.
- 2.21. The ES also states that in addition to the properties expected to experience a 'high' impact, 17 properties would also experience a 'medium' impact in the short-term, reducing to 10 in the long-term. The level of impact diminishes over time as residents become accustomed to the background noise.
- 2.22. Whilst the occupiers of surrounding properties would be aware of some noise from the road, the vast majority would experience 'negligible' or 'low' impacts and none of the impacts are sufficient to result in a sustainable objection to the proposal on noise impact grounds. In this case, the most direct noise impact would be on properties at the eastern end of Woodcote Lane. At this point a 1m high bund (measured from the surface of the carriageway) and 3m high acoustic fence is proposed which would reduce the worst case noise impact (based on 2031 predicted levels of traffic) on the closest house (Glenwood) from 65dB to 57dB as measured 1.5m above ground at the façade of the house. The level of noise impact with the noise mitigation measures in place is considered to be within acceptable limits and the Environmental Health Officer has raised no objection to the proposal subject to conditions being attached.
- 2.23. The Council, acting as Planning Authority, is unable to apply conditions requiring works to any adjacent property to further address noise impacts (for example requiring triple glazing). Firstly, there is no planning justification for such works, having regard to the noise evidence submitted and the views of the Environmental Health Officer, and secondly, conditions cannot be applied requiring works to be carried out on land outside the control of the applicant.
- 2.24. Although it is not anticipated, should noise be increased to a level exceeding 68dB, specific dwellings may be entitled to noise insulation and/or compensation under the Noise Insulation Regulations 1975 and Part I of the

Land Compensation Act 1973. This process is entirely separate from the determination of the planning application.

3. Recommendation

- 3.1. That planning permission in respect of the Construction of a new southern section of Newgate Lane to provide a new connection from Newgate Lane to Peel Common Roundabout together with the construction of a junction and link road to access the existing route of Newgate Lane, at Land to the east of Newgate Lane, Fareham Hampshire (Application No. P/15/0717/CC) (Site Ref: FAH007) & (Application No. 15/00382/HCC3) (Site Ref: GPH003) be approved, subject to the conditions listed in Integral Appendix B to the officer report attached as Annexe A to this report, subject to the substitution of condition 3 with the following:

No heavy commercial vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0800-1800 Monday to Friday and 0800 -1300 Saturday. There shall be no working on Sundays or recognised public holidays. Night works shall only take place Monday-Friday following the advance agreement of the Local Planning Authority.

Reason: In the interests of public amenity and to ensure the development is in accordance with Policy DSP2 of the Fareham Borough Council Local Plan Part 2 (2015).

Appendices:

Annexe A – Agenda report (Ref: 7000) presented to 21-10-2015 Regulatory Committee with Integral Appendices A - E
Annexe B – Applicant response to the deferment with Appendices A - D

Other documents relating to this application:

<http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=16619>