

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS20 (Transport and Access Strategy)
DM11 (Planning for More Sustainable Travel)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor A Briggs - Cowplain

No comment.

Councillor D Keast - Cowplain

Requested application be considered by the Development Management Committee, if positive recommendation is proposed.

Councillor Narinder Bains - Cowplain

No comment.

Hampshire Highways

This property has an interesting planning history which I have read through and brought to the attention of my colleagues who deal with applications for new accesses on to the highway network.

In view of the Inspector's decision and comments on the previous planning application for this development, specifically - "TRO's are a matter for the Highway Authority. I can only determine this appeal on the basis of the TRO's presently in force. My principal concern arises when a car is legally parked at the north western (Tempest Avenue) end of the unrestricted kerbside opposite the new notice access. Such parking would restrict the public carriageway to just one, 3m. or so wide lane (just wide enough for one vehicle), close to the major/minor road junction. In this situation cars wanting to turn off Tempest Avenue could have to wait on the major road if another vehicle was trying to exit Coralin Grove. The resulting knot of traffic would be a hazard in itself. But add to this, vehicles entering or exiting Mr. Siaha's house (at this point of worst conflict where there is no footway) then there would be the unacceptable potential for danger. This eventuality would not take proper account of the need for people to travel safely whatever their chosen mode."

I confirm the Highway Authority's recommendation is objection on the grounds

"Use of the proposed access is likely to interfere with the free flow and safety of traffic close to and at the junction of Coralin Grove and Tempest Avenue."

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a

result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 13

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Previous retrospective application refuse and owners required to reinstatement the land. Particularly dangerous and extremely busy T-junction on to Tempest Avenue. 24/7 vehicles are present opposite the proposed new access - results in vehicles turning into the Grove to drive on wrong side of the road, meeting oncoming vehicles - not unusual to see cars, vans and lorries reverse back onto Tempest Avenue, into oncoming traffic. Existing problems with traffic queued on Tempest Avenue, making a right hand turn onto Coralin Grove - regularly witness or hear minor accidents. Within the immediate area of post and communication boxes, both side of Tempest Avenue regularly visited by the public and engineers - all vehicles affect this junction. Residential area, home to many young families - Coralin Drive a direct route to local schools - not particularly safe in present state - further risk not needed. Tempest Avenue is a busy road, with increasingly large lorries - increasingly dangerous. Precedent set when previous application refused and similar at the junction of Wincanton Way - safety should be put first - access too close to an already dangerous junction	See Section 7.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Highway safety
- (iii) Effect on neighbouring properties

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. The applicant seeks permission for the retention of a vehicular access onto Coraline Grove, and the re-instatement of a 1.4m high wall to the front of the property.

(ii) Highway safety

7.3 Planning permission was refused for an access at this site by the Local Planning Authority (LPA) on 23 May 2003, in a slightly closer position to the junction with Coraline Grove and Tempest Avenue and enforcement action authorised to seek to secure the removal of the access. Prior to construction of the access in 2003, it was understood that the owner of the property at that time, made an application under the Highways Act to Hampshire County Council (HCC) for a vehicular access to this property. This was approved by HCC on 28 January 2003.

7.4 The appeal into the enforcement notice seeking planning permission to retain the access was dismissed, with the notice being upheld and varied to read ". To cease using the access.", which was complied with. The Inspector's main concerns at that time were:

"The new access is close to the major/minor road junction of Tempest Avenue and Coraline Grove. The major/minor road junction serves quite a large number of houses so that it is likely to be well used at peak hours. It is further relevant that in the general area of the notice site Tempest Avenue appears to function as a distributor road for the movement of traffic between places.

7.5 My principal concerns arise when a car is legally parked at the north-western (Tempest Avenue) end of the unrestricted kerbside opposite the new notice access. Such parking would restrict the width of the public carriageway just to one, 3m or so wide, lane (just wide enough for one vehicle), close to the major/minor road junction. In this situation cars wanting to turn off Tempest Avenue could have to wait on the major road if another vehicle was trying to exit Coraline Grove. The resulting knot of traffic would be a hazard in itself. But add to this vehicles entering or exiting Mr Siaha's house (at this point of worst conflict where this is no footway) then there would be the unacceptable potential for danger. This eventuality would not take proper account of the need for people to be able to travel safely whatever their chosen mode."

7.6 With regard to the current access, a similar application to HCC was made by the applicant which was initially refused. However, following a site inspection, by representatives from HCC, a dropped kerb was agreed slightly further into Coraline Grange. Following the installation of the access the matter was drawn to the Local Planning Authority's (LPA) attention and investigated resulting in the submission of the current application.

7.7 The applicant has advised that the reasons for the access are:

We have a 4 bed home, with a shared driveway.
The access to the driveway is further along Coraline Grove.
It has a worse line of sight for us exiting and cars using Coraline Grove and Harkness Drive, due to an S-bend/junction nearby and is more dangerous than our new entrance - based on our assessment as police officers, trained to a higher level of driving.

To enter our address on the shared access we pass 3 other homes - new access reduces nuisance and light pollution to our neighbours -no inconvenience to our neighbours opposite.

Neighbour would gain extra parking, so taking pressure off road parking.

Entrance has been in place for 3 months, with no near misses or accidents occurring in the vicinity or anywhere nearby.

No complaints about these works from our direct neighbours alongside or opposite in Coralin Grove - next door neighbour is supporting our works.

Works in keeping with the aesthetic of the area.

- 7.8 The Highway Authority (HA) has been consulted over the proposal, with full details of the planning history relating to the previous separate access to this property provided.

- 7.9 The HA has objected on the following grounds:

"Use of the proposed access is likely to interfere with the free flow and safety of traffic close to and at the junction of Coralin Grove and Tempest Avenue

- 7.10 In the HA's response reference is made to the Inspector's findings as set out above in Section 5.

- 7.11 Whilst the background to this application and the involvement of HCC Highways from a dropped kerb perspective, is of relevance, given the fact that permitted development rights were specifically removed under Planning Permission 85/22253/28 for the construction of any vehicular access onto Coralin Grove the decision of whether to allow the access to remain in planning terms must centre on whether it is considered safe to do so. In this regard, following consultation with the HA an objection has been made to the development as it is considered the vehicular access, located approximately 10.6m from the junction of Tempest Avenue and Coralin Grove, would cause undue interference with the safety and convenience of users of the adjoining highway, and as found by an Inspector, likely to result in an "...unacceptable potential for danger." prejudicing the safety and free flow of traffic at this junction. In these terms, on planning grounds, the vehicular access is not considered acceptable and whilst the applicant's reasons for requesting the access have been duly regarded, it is not considered that these offer a compelling justification for the development, or override the highway safety considerations.

- 7.12 Paragraph 109 of the National Planning Policy Framework states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The proposal would be likely to have an unacceptable impact on highway safety contrary to paragraph 109 of the National Planning Policy Framework. In so doing it would also conflict with the objectives of Policies CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 which look to safe vehicular standards which respond positively to the characteristics of the area.

- 7.13 As to the reinstatement of the wall, this would be in keeping with the existing wall and the character and appearance of the area and would not impact on highway safety.

(iii) Effect on neighbouring properties

- 7.14 The location of the access and the re-instatement of a 1.4 high section of front boundary wall, would have no material impact on the amenities of neighbours, and the

former may have some benefits for immediate neighbours for the reasons given above by the applicant. However, this has to be balanced against road safety, which overrides any benefits that may arise for neighbours by this development.

- 7.15 In residential amenity terms, the proposal has a limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

8 Conclusion

- 8.1 The use of the access would be likely to have an unacceptable impact on highway safety contrary to paragraph 109 of the National Planning Policy Framework and Policies CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011, and should be refused.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/01185 for the following reason:

- 1 The use of the access is likely to interfere with the free flow and safety of traffic close to and at the junction of Coralin Grove and Tempest Avenue contrary to the advice in Paragraph 109 of the National Planning Policy Framework and Policies CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011.