

Claremont
Western Avenue
Emsworth
PO10 7LP

Mrs Rachael McMurray,
Planning Development,
Havant Borough Council,
Public Service Plaza,
Civic Centre Road,
Havant,
Hampshire, PO9 2AX

12th September 2017

Dear Rachael

Ref: Planning Application - APP/17/00633 – Response to Planning Bureau Letter

I am writing in response to the letter dated 7th August 2017 (dated on the website 30th August 2017) written by Gian Bendinelli on behalf of the Planning Bureau and some of the documents associated with it.

Comments from the Aboriculturalist Officer

The Havant Borough Council Tree Protection Officer has inspected the site and his findings have already been published, together with his objection to the application on the 31st July. Having read the comments made by Mr Keen, the Agent's Aboriculturalist, the justification for the destruction of trees and vegetation on the site are as follows:-

1. The tree has problems – cut it down instead of seeking a remedy for its disease.
2. It has limited public amenity – cut it down.
3. It takes a lot of maintenance – cut it down.

Trees contribute to the environment of an area in many different ways, and not just because they look aesthetically pleasing. Destroying them helps wreck an environment.

I echo the TPO's comments regarding the Agent's wanton destruction of a perfectly healthy tree that was highly visible to Beach Road Residents, just before the TPO was put in place in April. It may have been legitimate but the sole reason to cut it down was to remove a tree that was in the way of the development. In its place, there is now just an ugly stump.

I have read nothing in Mr Keen's comments that address the TPO's concerns and therefore I agree with his opinion that the application should be refused for the reasons that he has given.

Comments on the New Flooding/Drainage Documentation

Having read through this documentation, it becomes obvious that the revised Flood Risk Assessment and the run off documents ignore the existing significant flooding and drainage problems that already exist in the area. They concentrate solely on trying to alleviate the impact of the new development.

When considering an application from the point of view of the local community, its primary concern is if the drainage plans for the new development do nothing to address the existing problems, then there is a certainty that it will just make things worse for two reasons:-

1. The drainage plans for the development were inadequate in the first place.
2. Any failure of any part of the new drainage arrangements put in place by the development will exacerbate the existing problems.

Unless the Agent and Southern Water recognises that there are existing drainage issues and puts forward a plan to the Council to resolve them, along with a plan to guarantee that development will not add to those problems, I would ask that the application be refused.

Comments Received from Objectors

Mr Bendinelli states *"I do not intend to respond to every point made [by the 44 objectors]"*

He then chooses to comment on only some of the points made by myself and Sarah Jane Walker and ignores the rest of the 42 objections made as if they did not exist. All the objections made by the local community expressed genuine and unique concerns that should have been addressed as well.

I would ask the Council to consider that the failure of the Agent to carry out the pre-application consultation process satisfactorily, thus failing to engage with the local community in any way is grounds for refusing the application.

Comments Addressed to Me by Mr Bendinelli

Western Avenue Traffic Safety Concerns

Mr Bendinelli refers to the sections in the Agent's Transport Statement in response to my objection. Considering that the detailed comments in my objection, illustrated with pictures, were written in response to the Transport Statement, Mr Bendinelli's response does not help address the concerns.

In addition, Mr Bendinelli chooses to highlight the paragraph from the Transport Statement as follows:-

*"Given the straight alignment of Havant Road and wide (2.5m) footways in this location, visibility at the existing junction is very good. In addition, as detailed previously, **PIA data indicating that no accidents have occurred at or near the site access over a 15 year period**"*

Had Mr Bendinelli read my wife's objection letter, he would have known that **she suffered a serious accident trying to turn right out of Western Avenue** that wrote off the car she hit. And this is not the only accident suffered at this junction in recent times.

Comment Regarding Junction Technical Note dated 30/08/2017

This paper is founded on the assumption that the majority of traffic in and out of Western Avenue occurs at normal working peak times. The reality is very different.

In reality, there is a steady flow of traffic flowing in and out of Western Avenue throughout of the day because:-

1. Only 3 of the 6 Western Avenue properties have working people in them. The other 3 properties' occupants are retired (including Orchard House)
2. Of those three "working" properties, I am the only person who works a 9 to 5 day. Everyone else works either part time or shift work.
3. As stated in Mr Matthew Bennet's objection, the Nursing Home staff are virtually all shift workers. There are three shift change overs – early morning, lunchtime and late evening.
4. Visitors to the Nursing Home arrive throughout the day and there is greater traffic throughout the weekend as this is when most tend to visit their relatives

In Summary – Western Avenue

I gave a detailed response in my objection dated 3rd July, refuting the claims of the Transport statement and highlighting the dangers associated with the entrance to Western Avenue.

Western Avenue is little more than a private driveway with an exit onto Havant Road that was never designed to handle the extra 100 to 129 vehicle journeys that the proposed development plans to impose upon it.

I ask the Council on the grounds that the extra traffic that will be generated by the proposed development will put at risk the safety of Western Avenue residents and Nursing Home staff, that they refuse the application.

Solar Panels & Loss of Light

Mr Bendinelli states that the new building's shadow would not affect the 6 solar panels located on the South facing wall of Claremont. This is incorrect.

The 6 panels' purpose is to provide power to the house during the winter months when the Sun rises in the South East, stays fairly low in the sky and then sets in the South West. They will be rendered useless during the winter by the shadow of the new development throughout the day.

It is worth noting that Claremont and other properties will be enveloped in this building's shadow throughout the day during the winter months **causing a loss of light or amenity**.

I have included a portion of the Sun Study below, submitted by the Agent for the 21st December. The light grey shows the shadow cast by the building at 9am, 12pm and 3pm, which demonstrates clearly that Claremont (and other properties) will be covered by the building's shadow for the entire day. This scenario will remain from October/November through to February/March.



Service Road

Mr Bendinelli was not clear as to what I meant by the term "service road" in my objection.

I am describing the access road that leads from the entrance to the site to the eastern boundary car park. This road runs along the southern border of my property and will cause noise and disturbance to me and my family at all times of day and night as it will carry a large proportion of the 100/130 vehicle journeys expected will run along it.

Currently my neighbours at Orchard House produce only 4/5 vehicle journeys per day.

Site Parking Requirements

Mr Bendinelli refers to the Transport statement in his response to my objection that insufficient car parking spaces have been provided (28 spaces).

I would draw his attention to the comment made by the HBC Traffic Team dated 11th July which concurs with my view that the majority of the flat residents will require cars to be able to reach the local amenities:-

".... it is considered that the disadvantaged location, well away from the Town centre, will be more attractive to residents with vehicles. Whilst the full requirement for 53 vehicles may be excessive, the actual number of spaces needed may well fall between what is proposed and what is required."

There are also needs to be parking provision for visitor, delivery and staff vehicles.

Wellingtonia/Giant Sequoia

The Agent's Aboriculturalist has now agreed that the root protection area of the Wellingtonia tree in our garden is 15 metres, not 13.2 metres as he previously claimed. He then claims that the existing Orchard House property is a limiting factor for the roots due to the foundations and that the new building would have no effect on the tree.

I have this to say regarding Mr Keen's comments:-

1. I applied for planning permission for an extension to Claremont in 2014. At that time, I was told by my Aboriculturalist that the roots of the tree extend all of the way under Claremont and out of the other side, Orchard House and its outlying buildings. They do not stop at the boundaries otherwise the tree would have fallen down by now!
2. I refer to the statement in paragraph 6.3 of the Aboriculturalist Report by Mr Keen dated 21st June, "*Ideally, building lines should be at least 2m outside of the root protection area*". This seems to contradict the statements made by Mr Keen in Mr Bendinelli's letter.

When I was granted planning permission for the Claremont extension in 2014, a condition was set that it was built on foundations using concrete piling and ring beams to protect the roots of the tree.

I would ask that the Council satisfies itself that there are sufficient measures in place to protect the roots of the tree, should it give approval to the application.

Turning facility on site

This is in response to Mr Bendinelli's comment that the proposed turning head proposed in the Transport Statement is compliant.

Appendix F of the Transport Statement claims that both the Refuse and Fire Tenders will use the entrance of the site as a turning head. **The diagrams do not represent the reality of the situation.**

The road is 3.3 metres in width at the point of entrance, barely large enough for a refuse truck or fire tender. This picture shows our refuse truck, gently reversing down past the proposed entrance to the site. **When I spoke to the driver of the refuse truck**, he confirmed that he would not be able to reverse into the proposed entrance without cutting the corner, thus damaging both my property and the vegetation opposite.

Please note that the site's proposed entrance is NOT where the current entrance is located. It is hard up against the border of Claremont/Orchard House border.



Right of Way – Western Avenue

The following describes the right of way that is applied to the current owners of Orchard House and the limitation of use of the site for commercial purposes:-

“Orchard House and the small part of Western Avenue owned with Orchard House enjoys rights of way along Western Avenue which are limited to the passage of vehicles to and from Orchard House and that additional land as a single private dwelling house only. Those rights do not allow any substantial increase in the volume or frequency of traffic as would inevitably happen if the development were to take place. The ownership of much of Western Avenue is uncertain and there are no structures in place to provide for the long term maintenance and upkeep of that road. There appear to be no rights of access by the owners of Orchard House onto Western Avenue to undertake construction works along the road, whether by re-surfacing, road widening or adding lighting or to provide improved sight lines at the junction of Western Avenue and Havant Road.

Furthermore the property is subject to old covenants preventing use for a trade or business and additional covenants in a Conveyance of 4 December 1959 which require various third party consents before any development can go ahead and which we do not believe have been secured, such covenants having been imposed by the owner of neighbouring land to regulate the future development of the affected land including part of Orchard House.”

I and other members of the local community will take action to address any breach of the above limitations against either the current owners of Orchard House or the Agent, should it decide to purchase the site.

My solicitor has already written to both the current Orchard House Owner and the Agent to notify them of the above limitations.

In summary, the sheer size of the proposed development breaches a number of the local planning policies to such an extent that the application should be refused.

However, a substantial reduction in size of the building, together with other constraints, could mitigate many of the objections made by me and the local community. I would ask the Council and the Agent to consider the criteria set out in the document titled "Further Comments from Beach Road, Brook Gardens and Western Avenue Residents" as a reasonable starting point for an amended submission by the Agent.

With best wishes

Graham Simmonds