

Claremont
Western Avenue
Emsworth
PO10 7LP



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

3rd July 2017

Dear Rachael

Ref: Planning Application - APP/17/00633 – Objection

I am writing to you to notify you of my objection to the planning development that is proposed to replace the existing residential dwelling on the Orchard House site with 25 retirement flats with commercial communal services.

In order to help you, I have broken my objection down into the sections relevant to Havant Borough Council's core strategy or to relevant planning law.

I would ask that the Council refuse this application on the grounds set out in this letter which details the direct harm that the development will cause to me and my family.

I appreciate that development of this site is inevitable in some form given the shortage of housing. However, the proposed building is simply too large for the site it will occupy, a fact that we have shared repeatedly with the Applicant. I would suggest to the Council that the Applicant should carry out a meaningful consultation with local residents that would look at plans for a smaller building that would address our concerns. A reduced number of flats would also be far more attractive for those people planning to live in these dwellings.

Access

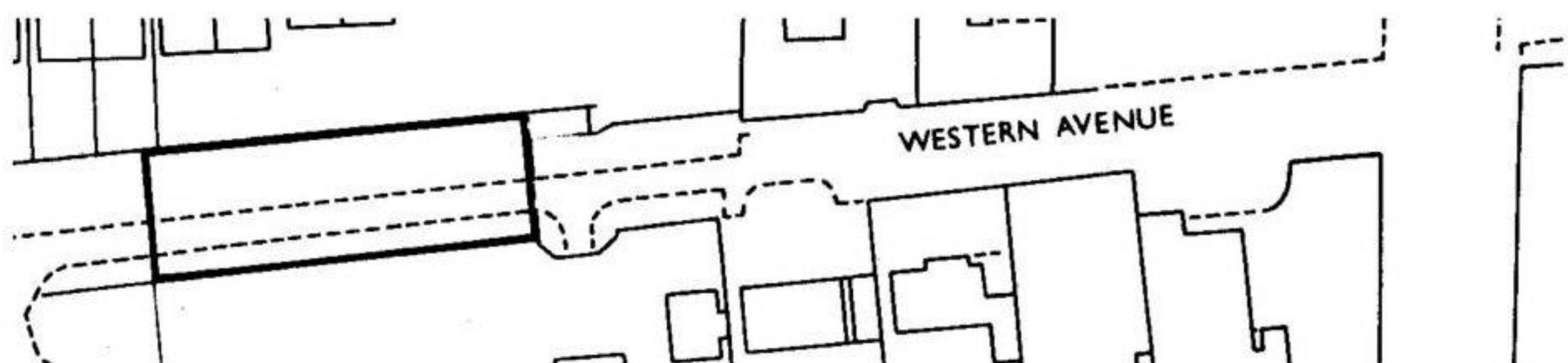
Western Avenue is a single track private road along its entire length that currently serves 6 residential properties and a Nursing Home and is maintained jointly between them. For most part, it is less than 5 metres wide. At no point can two vehicles pass each other without driving onto private land.

Ownership

The applicant's site location plan (APP_17_00633-SITE_LOCATION_PLAN-1051707) includes the length of Western Avenue from the Orchard House site to the entrance onto the Havant Road (shown in the picture above). The transport statement states that it will make alterations to the road beyond the Orchard House site entrance **but the current owners do not own this section of the road** and have no rights over it. It should not be included within the application.



*This section of Western Avenue is **not** part of the Orchard House property.*



This section of the title plan HP467138 (Land adjoining the Orchard House) shows the only section of Western Avenue owned by the Orchard House site marked in bold.

Increase in traffic down Western Avenue

The 25 retirement flats is expected to increase the flow of traffic down Western Avenue by **an extra 104 – 129 vehicle movements per day** based on a widely accepted standard of 4 -5 vehicle movements per 12 hour period per dwelling (this takes into account the staff member's daily movements as well).

In its Transport Statement document, the Applicant's understandably optimistic figures quotes up to **73 extra vehicle movements** for 25 retirement flats, which is a still 93% increase in vehicle movements over a 12 hour period over the existing property. Please note that this figure takes no account of staff vehicle movements (warden, gardeners, maintenance staff etc.)

Western Avenue – Not fit for purpose

I believe that Western Avenue and its entrance onto Havant Road was never designed to cope with the extra 104 – 129 vehicle movements per day attributable to the proposed development. This increase in traffic will have two side effects:-

1. It increases the risk of vehicular accidents at the entrance to Western Avenue and to its existing residents.
2. It will increase delays along Havant Road at peak periods.

Western Avenue Entrance onto Havant Road

The interface with the public highway is inadequate for the following reasons:-

1. There is no kerb to clearly mark the route of vehicles from the pavement. This driveway design encourages pedestrians to cross in front of the car.



2. The visibility along the A259 is limited and, it is advised, that this is below the requirements for safe access to and from a highway carrying a substantial volume of traffic. Please see the photos.



The above picture shows that the car is correctly positioned for pulling out but has very limited view of the pavement and the traffic coming from the left. Pedestrians can, and do, walk in front of the car when the driver is about to pull out. Turning right is a difficult manoeuvre to perform at peak periods.

This picture shows the limited visibility of the road and pavement from the driver's seat with the car positioned as in the previous photograph.



In this picture, with the car correctly positioned on the left, there is very limited road width for any vehicle trying to pull into Western Avenue from Havant Road. It should be noted that many cars who are not used to Western Avenue will sit in the middle of the entrance, thus effectively blocking all traffic trying to pull in from the left and causing traffic delays on the Havant Road. Also, the entrance is not wide enough to allow the car to swing left safely without mounting the kerb.



Single Track Driveway

Western Avenue is a single track driveway varying from 4 to 5 metres wide. It has no pavements or street lighting. There are no passing places at any point along its length. It was never designed to accommodate the extra 104 – 129 vehicle journeys generated by the proposed 25 extra dwellings and the staff that service it.



Risks involving the Springfield Nursing Home

1. The Springfield Nursing Home staff cross the road regularly and will be at significant risk if traffic increases on Western Avenue.
2. Springfield Nursing Home residents often walk down Western Avenue for exercise because it is little used and safe. They will be at risk from the increased traffic.



3. We regularly have one or more Ambulances attending Springfield Nursing Home and they often partially or completely block the entrance to Western Avenue. Increasing traffic will put working ambulance crews at risk.



Parking on the Proposed Site

Currently, only 28 parking spaces are planned for the Orchard House site. Havant Borough Council's Supplementary Parking document stipulates that two spaces should be provided for all 2 bed units, thus a provision of 50 spaces plus visitor/staff parking should be allowed for.

From my experience with the Springfield Nursing Home, this lack of car parking spaces leads to cars parking illegally along Western Avenue, blocking emergency vehicle access.

Noise and disturbance

Due to the increase in traffic, we will be subject to a significant increase in noise and disturbance at any time of the day or night if residents/visitors arrive/depart at unsocial hours.

Pollution

As a consequence of this increase in traffic, the pollution from cars and delivery vans/lorries will directly affect us both inside and outside of the house. Three of the four members of my family suffer from Asthma and would be affected by the increase in pollutants and particulates.

Policy CS8

Policy CS8 requires that the safety aspects of the development be a paramount consideration and, given the circumstances of the access to the proposed development, I consider the proposed development would not be in accordance with Policy CS8, and in this context, planning permission should be refused.

Effect on Character of the Area

Currently, the 6 houses located in Western Avenue are residential, two storey, family homes, including the current property located on the Orchard House site. Our house, Claremont, is next door to the north of the proposed development and has a small garden in comparison to the most of the other houses.

As can be seen from the “before” and “after” pictures below, the proposed development removes vital space, light, trees and vegetation and its sheer size dwarfs all of the houses surrounding it.





The 0.58 Ha Orchard House site and the small wood located on the western edge of the site is vital to my family's environment and we share it with our Beach Road and Brook Gardens residents.

The sheer dominance of the proposed development will have a severe loss of our amenity from the back, the front as well as inside our house.

1. **Size** - The scale of the development is out of character with the surrounding properties both in the size of footprint and the fact that it is a 3 storey building:-
 - The frontage of the proposed development is **56 metres** long as opposed to the current residential house frontage of *17.5 metres*.
 - The proposed development will occupy approx. **1456 square metres**. *The current residential house and garage occupy a footprint of only 265 square metres.*
 2. **Height** – the proposed building is 17.49 metres in height. However, unlike the existing residential property, the third floor windows of the development are less than half a metre from the top of the building. The existing residential property might be the same height but the top third of the height is a sloping roof with no windows.
 3. **Design** – the development is essentially a large block of flats, shoehorned into the grounds of a single house. The design is not in keeping with the surrounding residential homes on all four sides of the site.
 4. **Boundary walls, trees and other vegetation** – the plan indicates that the boundary walls, trees and other vegetation will be removed and replaced with a car park.\
- (Continued overleaf..)

Policy CS9 of the Council's Core strategy requires housing proposals to respect the character of the surrounding area. We consider that the proposed development fails to do this, and in this respect the proposal is in breach of the policy. It is understood the law requires that where a policy is breached planning permission should be denied and the Council is asked to refuse the application.

Effect on Living Conditions

An increase in vehicle movements due to the development - The proposed development has a service road running the entire length of the southern edge of Claremont's boundary and is the only entrance onto the property. This road will be the route of most deliveries made to the property. This will serve a car park at the back of the property. It is likely that this service road will carry the majority of the 100 – 130 vehicle journeys per day that we expect the 25 residential flats to generate (4 – 5 vehicle journeys per dwelling per day plus staff movements). Our concerns are as follows:-

1. **Noise and disturbance** – my family will be subject to noise and disturbance throughout the day and anytime of the day or night if residents/visitors arrive/depart at unsocial hours. Two of our 4 bedrooms are adjacent to this road.
2. **Pollution** – as a consequence of this road, the increased pollution from cars and delivery vans/lorries driving along this road will directly affect us both inside and outside of the house. Three of the four members of our household suffer from Asthma and would be affected by the increase in pollutants and particulates.

Western Avenue - The above also applies to the significantly increased traffic past Claremont via Western Avenue. Please see our notes under Access.

Solar Panels – Claremont has 6 photo voltaic panels attached to the south facing wall. During the winter in particular, the 3 storey development will block the sunlight to those panels, thus reducing their effectiveness.

Impact on trees and wildlife.



Given that planning law includes a special duty on Councils to preserve trees it is considered that in this context the proposal should be critically examined with regard to trees, both on and off the site. We are aware that the TPO 2067 now exists to protect the site against any damage to trees by the Applicant (also see *Felling of the Red Sycamore* below). Permission should not be granted if there is adverse impact on existing trees and shrubs, either through explicit harm evident from the proposals or from impact on those to be retained over time.

The site includes a small wood on the western border where there are plans to put a car park. Many small animals depend on this area including a fox which is regularly seen walking along Western Avenue.



Wellingtonia / Giant Sequoia in the Claremont Garden – the tree in our garden is one of the tallest in Emsworth. As part of a planning application we put forward in 2014, we were requested by the planning officer to have an Arboriculturalist's report carried out which stated at that time that **the tree protection area was 15 metres**. (This report is attached).

The McCarthy & Stone Arboriculturalist Report claims **only 13.2 metres for the TPA**, and states that building lines should be at least 2m outside of the tree protection area.

We would ask the Council to reassure itself that the plans take into account of the minimum 15m TPA and act upon the 2 metre guidelines as stated in the McCarthy & Stone Arboriculturalist's Report. It should take into account that if the roots were damaged due to this development, that, due to its size, if this tree were to fall, it could cause severe damage to buildings and possible injury/death.

- **Bat Protected Species** – we would like to draw to the attention of the Council that we believe that Pipistrelle Bats are reliant on the wood on the western edge of the Orchard House site where there are plans to put a car park. They can be seen flying around the wood at dusk onwards and a Brook Gardens resident filmed them last week. All UK species of bats are protected under the Wildlife and Countryside Act 1981, and it is illegal to harm them or disturb their roost sites. We would ask the Council to consider the effect of the development on this and any other protected species.



McCarthy & Stone Contractors Felling the Red Sycamore 20/04/2017

- **Felling of the Red Sycamore** - On the 20th April 2017, contractors working on behalf of McCarthy & Stone felled a Red Sycamore tree on the Orchard House. This tree was identified as significant in the Tree Constraints Plan DN: 9243/01. It was felled because it obstructed the current design of the proposed development and would have caused an issue when the planning application was submitted.

The Havant Borough Council Tree Protection Officer arrived on site within 10 minutes of being notified but, unfortunately, failed to stop the tree being felled. Shortly afterwards, he imposed a Tree Protection Order over the whole site including the small wood on the western border to ensure that no further trees were damaged by the Applicant before the planning application was submitted. It is difficult to have any trust in the Applicant when they act in such a callous manner.

Flood Risk

During heavy rain, my garden, along with others in Beach Road, is often subject to surface water flooding. I believe that the building of an 1456 square metre property will significantly increase the risk of surface flooding on my property.

My concerns, shared with my neighbours, are as follows:

1. **Foul Sewerage** – 50 new residents will put extra load onto the existing foul sewerage drainage where there have been flooding problems in the past.
2. **Surface water drainage** – noted as low risk in the applicant's drainage report, a view not shared by any of us who have to suffer significant flooding every time it rains heavily!
3. **Holding Tank** – we have concerns that the existing Havant Rd surface water drains do not cope in heavy rainfall, and that the pumps associated with the holding tank are restricted in their operation.

Both policies CS15 and DM25 refer to flood risk matters, and it is clear that Emsworth is acknowledged to be especially vulnerable to the impact of development on flood risk.

The proposed development will introduce a very large structure into a low density area and this will have a marked impact on the pattern of run off. It will also introduce a large building which can impact on the groundwater behaviour on the site and the surrounding area . Given the special concerns regarding flood matters in Emsworth it is considered critical that both surface and groundwater impacts of the proposed development are fully examined and understood before the application is decided. If there is any doubt or lack of information about the impact on the surface and groundwater flooding, then in accordance with the policy of CS8 and DM25 planning permission should be refused.

Further Information for consideration by the Council

Limited Right of Way Access.

A strip of land within the Orchard House site ownership which forms part of the extent of Western Avenue, which was acquired (presumably) as a result of a claim to adverse possession, enjoys limited rights of way over the remainder of Western Avenue. The rights of way over Western Avenue, such as they are, do not allow increased volumes/frequency of use of Western Avenue beyond the current level of use and so use of part of the development of the 25 Residential Flats to service a car park would necessarily generate additional use of Western Avenue beyond those historic rights which were obtained when title was registered.

Through my solicitor, I have notified the current Orchard House owner and the Applicant of this limited right of way. I will be pursuing an action against the Applicant to enforce it if planning permission is approved and the sale of the land goes ahead.

Breach of Covenant

We have identified two separate title deeds relating to the Orchard House site that contain a covenant that forbids any trade or business to be carried out on the site. Clearly, the warden provision and other services are provided to residents on a commercial basis by the Applicant and therefore would be a breach of these covenants.

Through my solicitor, I have notified the current Orchard House owner and the Applicant of these potential breaches of covenant. If planning permission is approved and the sale of the land goes ahead, I will pursue the enforcement of these breaches of covenant against the Applicant.

Community Consultation & Public Exhibition

We were consulted on two occasions by the McCarthy & Stone team with relation to the development. On both occasions we pointed out that we felt the development was too large and the design made no attempt to lend itself to the environment that we would share.

McCarthy & Stone has made no attempt to take on board our concerns or change the design to reduce its size.

The Public Exhibition was designed primarily to sell the development idea to those who might be interested in buying a flat. A meeting was held after the exhibition for 25 local residents opposed to the development, who put forward the suggestion that the third floor could be removed as an acceptable compromise. **This proposal was rejected by the Applicant and its representatives sent the clear message to local residents at the meeting that they had no intention of considering any changes to its plans.**

Supply of Housing Land

From consultations carried out by McCarthy and Stone before the application was submitted it is evident they will argue that the current estimate of housing need is such that the Council cannot demonstrate a five year supply of housing. Enquiries have revealed two important caveats to this perspective.

The first concerns a Supreme Court judgment issued in May 2017 where, it is understood, the Court decided that whilst the absence of a five year supply of housing land introduces a presumption in favour of the grant of planning permission, that presumption cannot be consummated until after the development has been weighed against the relevant policies of the Council's development plan. A reading of policy AL1 suggests that Havant Borough Council have been well ahead of the Supreme Court's game in this as the policy states the need to take into account other plan policies where there is a deficit in housing land requirements.

The second concern relates to the overall need for housing in Havant. Residents have been informed that the Council has undertaken an assessment of housing need with other Councils in the area. The residents have been advised that these joint studies are not based on the latest Government projections of housing need, which are significantly less than those calculated in the joint study. Given this it is likely that the current five year need is likely, on the basis of latest Government figures, to be much less than the joint study indicates.

Whilst it seems likely that the Applicants will call upon housing need as a support for their policies this argument is now very much watered down, in the light of (a) the Supreme Court decision (which was not available when they spoke to residents) and (b) the reduced Government calculations of housing requirements (available to them but not revealed).

Any argument regarding the absence or otherwise of a five year supply of land is required to be tempered (through the Supreme Court decision, and the impact of Policy AL1) by a weighing of the adverse impacts of the development and conflict with policy. Key factors in this respect are the impact on the character of the area, the inadequate access arrangements, and the risk of increased surface or groundwater flooding. These point to the need to refuse the planning application.

I hope that the Council finds my comments useful when arriving at a decision. I look forward to attending the Public Planning Committee meeting in September.

With best wishes



Graham Simmonds