

Agenda item: **Title of meeting:** Traffic and Transport Decision Meeting**Date of meeting:** 12<sup>th</sup> March 2014**Subject:** Forecourt Parking on Goldsmith Avenue**Report by:** Head of Transport and Environment**Wards affected:** Milton & Central Southsea**Key decision:** No**Full Council decision:** No**1.0 1 Purpose of report**

1.1 The purpose of this report is to reaffirm the approach to be taken by the City Council when acting as the local highway authority when giving highway comments with regard to planning applications to create individual private accesses to roads forming part of the strategic road network and the specific approach to be taken to applications for footway crossings in Goldsmith Avenue

**2.0 Recommendations**

2.1 **That the Local Highway Authority continues to operate a policy to resist the formation of private vehicular accesses to the Strategic Road Network in principle in order to protect the integrity and functionality of the SRN and promote the safety of all road users. There is a Saved Policy (DC26) from the previous Local Plan (2001-2011)**

2.2 **That the Local Highway Authority depart from policy in respect of the section of Goldsmith Avenue east of the junction with Ruskin Road where it is likely that no highway objection will be raised in principle to planning applications seeking permission to form individual private vehicular accesses subject to there being no over-riding highway safety concerns.**

**3.0 Background**

3.1 For many years there have been requests to the City Council from residents who live on Goldsmith Avenue between Milton Road and Winter Road to be given the ability to have dropped kerbs and park on their forecourts. Some properties on Goldsmith Avenue already have dropped kerbs, allowing vehicular access to forecourts. In other cases, permission has been applied for and refused.

- 3.2 In October / November 2013 the residents of Goldsmith Avenue between the junctions of Milton Road and Winter Road were canvassed to establish the demand for such additional accesses. Residents of nine properties expressed an interest in forming such accesses and one resident wrote in opposition to the notion citing concerns regarding visibility for emerging vehicles being obstructed by on street parking and the consequent potential reduction in on street parking opportunities.
- 3.3 Goldsmith Avenue is a classified road (A2030) subject to a 30mph speed restriction and forms part of the primary road network in Portsmouth. All primary routes comprise an A road or sequence of A roads, forming a continuous route between two primary destination with the primary function being to provide 'large-scale transport links within or between areas'. The accessibility of such primary routes is established in EU Directive 89/460/EC, which requires that the primary road network must provide unrestricted access to 40 tonne vehicles.
- 3.4 In order to preserve the functionality of the route, primary roads do not generally facilitate individual frontage access although in urban areas such primary routes must often provide a multifunctional purpose.
- 3.5 The formation of access to classified roads is formally controlled through planning legislation with planning permission being required to authorise the creation of such accesses.
- 3.6 If an application was submitted to create a vehicle access off a classified road then the local highway authority would be consulted and asked to give a view on the proposal. These comments together with other comments would be considered by the planning authority and a report with an officer recommendation would be made to the Planning Committee. The application would be considered against adopted policies, a decision could be made that was contrary to these policies if there was good reason to do so. In this case if there was no highway safety reason to accord with policy then planning permission should be granted. For those applications which are refused planning permission, an appeals process exists through the Secretary of State for Environment where an independent decision would be made following a site inspection.
- 3.7 Planning applications for the formation of access to primary roads forming part of the strategic road network have historically been resisted in principle by the City Council acting as the local highway authority in order to preserve the integrity of the SRN and promote the safety of all road users. Exceptions have been made where the site benefits from on-site turning and there are no concerns for highway safety.
- 3.8 Goldsmith Avenue has a wide single carriageway with wide pedestrian footways on either side. It provides access to a number of local access roads via simple major / minor junction arrangements with frequent signal controlled crossing facilities for pedestrians. The junction with Fratton Way features a roundabout

and the Winter Road / Priory Crescent junction is signalised with enhanced provision for cyclists.

- 3.9 Bus stops are provided both in laybys and on street and local bus service numbers one and thirteen operate along Goldsmith Avenue providing a 10 minute frequency service to Fratton Station / Fratton Park throughout the day reducing to a 30 minute frequency in the evenings.
- 3.10 An automatic traffic counter installed in Goldsmith Avenue at the Milton Park frontage between the 1<sup>st</sup> and 6<sup>th</sup> November 2013 measured 50837 vehicle movements finding an average speed of 18mph and 85<sup>th</sup> percentile speed of 25mph. Speeds were observed to reduce during peak periods indicating a degree of congestion although the 85<sup>th</sup> percentile speed was not found to fall below 20mph for any individual hour suggesting that congestion is not so severe as to bring traffic to a halt for any appreciable period of time.
- 3.11 To the west of the Fratton Way junction there is very limited residential development fronting Goldsmith Avenue and parking is restricted by double yellow lines exception a section fronting the sidings at Fratton Station.
- 3.12 To the east of the Fratton Way junction the frontage properties are largely residential although there is a pocket of commercial development on the south side opposite the Ruskin Road junction. None of the residential properties between Fratton Way and Ruskin Road have direct vehicular access to Goldsmith Avenue rather are served via a rear parking court.
- 3.13 To the east of Ruskin Road a significant number of the residential properties do have direct vehicular access to Goldsmith Avenue these being peppered along the road, although there are no such accesses on the north side of the road at the Milton Park Frontage. The existence of these off street parking facilities practically increases the parking opportunities for residents as vehicles are able to be accommodated both within the property curtilage and across the accesses.
- 3.14 There have been six recorded crashes In Goldsmith Avenue between the junctions of Ruskin Road and Milton Road in the three year period 2010 – 2012 as detailed below:

Incident Date	Severity	No of Vehicles	No of Casualties
08/11/2012	Slight	2	1
26/01/2012	Slight	1	2
29/12/2011	Serious	1	1
28/09/2011	Slight	2	1
25/10/2010	Slight	3	2

17/04/2010	Slight	1	1
Totals		10	8

Each of these incidents seems to have been random in nature and not specifically related to the use of individual vehicular accesses to Goldsmith Avenue. This indicates that the obstruction of visibility for emerging vehicles by cars parked on the highway does not result in injury accidents practically.

3.15 Along Goldsmith Avenue between Winter Road and Milton Road there are currently 10 properties with vehicle cross overs.

#### **4.0 Reasons for recommendations**

4.1 Whilst the policy approach applied to roads forming part of the strategic network is sound, planning decisions must be made on the basis that harm would be caused if the policy was not complied with. In this case the proliferation of individual private vehicular accesses to the east of the Ruskin Road junction and absence of crash record associated with the use of these accesses is such that there would be no harm caused by departing from policy. Therefore a refusal of planning permission for the creation of further individual private accesses on this section on the grounds of it being contrary to Policy alone is unlikely to be sustained in the event of an appeal. In the event of planning permission for an access being granted on appeal the council could not then unreasonably frustrate the implementation of that permission for example by refusing to allow the construction of a footway crossing. In this light, on balance a pragmatic approach is recommended allowing the departure from the policy position in the event of requests from residents to form private vehicular accesses on this section of Goldsmith Avenue as harm to highway safety could not be demonstrated.

#### **5.0 Equality impact assessment (EIA)**

5.1 The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

5.2 An initial screening exercise has been undertaken which identified a potential negative impact on those with disabilities or mobility impairments which would arise in the event that the width of the available footway was compromised should parked vehicles extend beyond the property curtilage and obstruct the footway. This is a relevant consideration to be taken into account when

assessing individual proposals and would be mitigated by only permitting this approach where there is sufficient parking space within the respective properties to prevent a parked vehicle overhanging the public highway.

**6.0 Head of legal services' comments**

- 6.1 The determination of individual planning applications is a matter for the Planning Committee or officers to whom the responsibility has been delegated. Each application has to be determined on its own merits and in accordance with the core strategy, unless material considerations indicate otherwise.
- 6.2 The separation of functions between the executive role and regulatory responsibilities of the Council is established through the Local Government Act 2000. The determination of planning applications is a regulatory function.
- 6.3 Individual members of the Council may support individuals who wish to apply for permission; if a member chooses to support an applicant, such support would be seen to be undertaken in a personal capacity, and would create a personal interest leading to a presumption of bias on that member's part. Having chosen to support the applicant (or object) the member could not then participate in any decision-making relating to the matter.

**7.0 Head of finance's comments**

- 7.1 The cost of creating a vehicular access would fall to the respective property owner and therefore this decision has no consequence for the public purse.

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Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/  
rejected by ..... on .....

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Signed by: