

PLANNING APPLICATION REPORT**REF NO:** R/278/10/**LOCATION:** 40 Broadmark Lane
Rustington**PROPOSAL:** Construction of a vehicular crossing**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed crossover would form a ramped access into the property over the existing public grass verge. The ramped access would be some 4m in width.
SITE AREA	0.056 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	18 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	Some trees within the site, none to be affected by the proposed development.
BOUNDARY TREATMENT	Timber fencing approximately 1.2m high to the front of the site. The northern and southern boundaries of the property are enclosed by 2m high timber fencing. Rear of the property enclosed by 1.8m high timber fencing.
SITE CHARACTERISTICS	2 storey detached dwelling currently being constructed on the site.
CHARACTER OF LOCALITY	The site is located within a residential area. Mix of different types and styles of properties within close proximity. Newly built 2 storey properties within the street scene. Many vehicle crossovers to both the east and west sides of Broadmark Lane.

RELEVANT SITE HISTORY

R/242/03/	Demolish existing bungalow and erect chalet style house.	Approve Cond 16-12-2003
R/161/09/	Demolition of existing bungalow and erection of one and a half storey new dwelling with integral garage	Approve Cond 30-10-2009

REPRESENTATIONS**Representations received:**

Rustington Parish Council

Objection; The proposal encroaches onto the public highway in an inappropriate and unneighbourly manner and would if approved create a precedent which would result in more similar proposals in this vicinity. The cumulative effect would be to alter the character of the locality and the street scene to the serious detriment of the amenities of the area.

4 Letter of objection: (2 in the same name and 2 from 1 address)

- Development constitutes an obstruction to the free use of the grass verge
- The use of the verge is desirable in view of the narrowness of the footpath, necessary to allow pedestrians to pass without stepping onto the public highway.
- The walls are a dangerous obstruction even with a reduction in height
- No similar proposals in the locality
- Unwanted precedent
- It is understood that WSCC as a highways authority have not accepted the proposal
- Land is owned and maintained by WSCC

Comments on Representations received:

Comments on Parish Council response:

The proposal would form a ramped vehicle crossover with the brick retaining walls to either side being removed. The ramp will be sloping down to the defined public footpath crossing an existing grass verge. Whilst the majority of properties fronting Broadmark Avenue do not have retaining walls to their driveways, this proposal is not considered to be detrimental to the open appearance of the west side of the street scene.

Comments on other representations:

County Highways have made no objection to the proposal subject to pedestrian visibility splays being secured and maintained. They have made no objection in terms the structure obstructing the highway nor a danger to its users. The applicants have served notice upon WSCC to carry out works upon their land. The proposal is considered to be visually acceptable without detriment to the open character of the street scene.

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

COUNTY HIGHWAYS:

No highway safety objections to the retrospective vehicle crossing subject to the access being constructed from a bound material for the first 5m from the highway and surface water is to be discharged on the owners land. Pedestrian visibility splays of 2m x 2m to be secured, therefore the access should be modified to comply with this requirement.

Comments on Consultation responses:

Comments noted. Existing material together with the removal of the retaining brick walls and drainage of the driveway is considered to be acceptable. Condition to be included with any approval with the requirement for 2m x 2m pedestrian visibility splays.

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary
The Form of New Development

PLANNING POLICY GUIDANCE

PPS1
PPG13

Delivering Sustainable Development
Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan or legislative background.

CONCLUSIONS

PRINCIPLE

The proposed application seeks retrospective permission for a ramped vehicle crossover. The access would include retaining brick walls to either side of the crossover which are to be level with the ramped crossover.

CHARACTER OF STREET SCENE

The site is located within a residential area with the majority of properties having existing vehicle crossovers. The properties to the west side of this section of Broadmark Lane are set back from the public footpath with open grass verges between the front boundaries of the properties and public footpath. To the east, front boundaries abut the public footpath.

The introduction of a retaining wall level with the ramped access is considered to be acceptable and although not an existing feature within the street scene, with existing driveways in the locality being constructed from various materials, the proposal is not considered to be demonstrable in its appearance nor is it obtrusive within the street scene. Further, given that the site previously had a level vehicle crossover together with the majority of other properties within the locality having driveways across the public grass verge, the principle of a vehicle crossover is acceptable.

COUNTY HIGHWAYS

County Highways do not raise any highway safety objections to the vehicle crossing subject to the access being constructed from the a bound material for the first 5m from the highway, surface water is to be discharged on the owners land and pedestrian visibility splays of 2m x 2m to be secured.

The driveway has been constructed from granite sets which is a bound material and the site level has been altered to allow a fall on the driveway into a drainage gully within the curtilage of the site. To ensure visibility splays are secured it is considered prudent to attach a condition as such. Further, the ramped access would cross the existing grass verge and would not impede the existing tarmac footpath in keeping with the other crossovers along Broadmark Lane.

SUMMARY

The proposed crossover is not considered to detract from the open appearance of the street scene given its design and appearance nor will it impact upon highway safety.

It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 This permission relates to the following approved plans:

Drawing No. 014.1331-10; 014.1331-16; 014.1321-14 and 014.1331.15.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 2 Within 2 months of the date of the decision details of pedestrian visibility splays shall be provided and within a further 2 months any associated works if required shall be undertaken and thereafter permanently retained.

These splays shall be:-

2 metres by 2 metres on each side of the proposed access based on the existing highway boundary.

The visibility splays as approved shall be implemented within 2 months of the approval of the details of the splays and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Within 2 months of the date of the decision the retaining red brick walls to either side of the ramped crossover shall be reduced in height so that the top of the brick coping is at the same level as the ramped access.

Reason: In the interest of amenity to achieve a reasonable visual quality of development in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: PPS1, PPG13

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.