

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0357/22/FUL
Proposal: Dropped kerb. Vehicle crossing over public foot path
Location: 3 Nevinson Avenue
South Shields
NE34 8LZ

Site Visit Made: 25/07/2022

Relevant policies/SPDs

- 1 LDF Development Management Policies. Policy DM1 Management of Development (Parts B, C and G) (Adopted December 2011)

Description of the site and of the proposals

The application site consists of an area of verge to the front of a semi detached dwelling located on Nevinson Avenue, South Shields. At present the front garden boundary enclosure has been removed and the front garden has been hard surfaced. The front of the property looks onto Nevinson Avenue, with a footway, grass verge and another footway between the front garden of the dwelling and the carriageway. Existing vehicular parking is provided by laybys to the sides of Nevinson Avenue along most of its length. Some neighbouring properties have a hard surfaced crossover of the verge to provide direct vehicular access to their dwellings. The footpath, verge, footpath, and Nevinson Avenue all form part of the adopted highway. The site lies approximately 32 metres east of the roundabout of Whiteleas Way and B1298 Galsworthy Road/ Nevinson Avenue. The northern side of this section of Nevinson Avenue is characterised by mature tree planting along the highway verge providing a pleasant tree lined route.

Planning permission is sought for the creation of a new concrete crossover to the highway verge to provide vehicular access from the highway to the hardstanding at the front of no 3 Nevinson Avenue, and the installation of a dropped kerb to provide vehicular access to the highway. The proposal would require the felling on 1 No maple Tree, the re- siting of a lighting column which is adjacent to the lay by area, the relocation of 2 manhole covers and 2 road gully's.

Publicity / Consultations (Expiry date 03/08/2022)

1) Neighbour responses

No. 1 Nevinson Avenue, South Shields, NE34 8LZ

I object to this planning application. I have a disabled bay which is in front of my next-door neighbours garden which would then have to be moved quite a bit. There is also a large tree which must be over 30 years old in the way of where the drive would have to go, number 3 Nevinson Avenue already has a disabled bay so I can see no reason as to why a tree needs to be felled and why I would have to have my disabled bay moved. I am disabled and moving my bay would cause me a great deal of suffering. I have spoken to quite a few of the neighbours who agree with me about the tree and a petition will be handed in forthwith

2) Other Consultee responses

South Tyneside Council - Traffic & Road Safety (Highway Authority)

The scheme proposes a driveway across highway verge and two footpaths, one either side of the grassed verge area. Vehicles would be required to then emerge through a parallel parking layby immediately adjacent to the Nevinson Avenue carriageway and adjacent to a roundabout to gain access to the carriageway, to travel in an easterly or westerly direction along Nevinson Avenue.

The speed limit of Nevinson Avenue is 20mph, however 85% vehicle speeds recorded in the vicinity exceed the speed limit, at 24.9mph eastbound and 22.9mph westbound.

Highway safety concerns regarding the scheme are as follows:

The Manual for Streets (MfS) standards for the safe stopping distance of vehicles travelling 20mph along a carriageway is 25 metres at 2.4 metres back from the carriageway edge and at a driver viewing height of 1.05m. Where vehicle speeds are higher, this would increase the required stopping distances of vehicles and therefore the related visibility splay requirements. In practical terms, for a 25m sight line, this would necessitate the loss of 4-5 parallel parking spaces from the east side of the parking layby from the access point in order to provide and preserve the necessary sight lines for drivers to see sufficiently eastward along the carriageway to determine a safe gap in the traffic to emerge through the layby and onto the carriageway. A slight relaxation in the loss of parking spaces may be possible to the east due to traffic travelling along the opposite side of the road, however this would not take account of the positioning of vehicles potentially overtaking if there was an obstruction in the westbound carriageway, so there would remain a risk if there was to be a relaxation in the line of sight.

The proposal does not show visibility splays at the carriageway edge and through the layby area, which would sterilise/remove parking spaces from the layby in order to provide a safe means of egress onto the Nevinson Avenue carriageway as part of the scheme. This could therefore result in potential collisions with other users of the highway carriageway due to the lack of visibility.

Due to no turning area being provided, drivers exiting the proposed driveway and access would be required to reverse approximately 10 metres across highway footpaths, verge and layby areas to the Nevinson Avenue carriageway edge. Exiting drivers would then need to view traffic travelling along the carriageway in both directions (including from the roundabout immediately west) whilst reversing through an area of the layby where there are other parked vehicles to the east obscuring visibility of any on-coming vehicles, including motorcycles and pedal cycles. The reversing manoeuvre under these difficult circumstances with limited visibility, only exacerbates the highway safety concerns of a vehicle emerging into moving traffic.

If the scheme was to progress with the necessary visibility splays provided, then this would sterilise/remove existing limited car parking provision for other residents of the estate, including visitors, adjacent and opposite the site. This would include the displacement of a second disabled parking space in the immediate vicinity, to the detriment of that resident. There would be the potential for those resident's and visitor's vehicles to be displaced to other areas taking up other resident's layby parking spaces fronting their properties. Alternatively, for convenience, drivers may choose to park in less suitable, non-designated areas where they may cause highway safety concerns and be detrimental to amenity, should the Planning Authority have such concerns. Given that the in-curtilage width of housing plots in this general area is approximately 7.3 metres and the length of a single parallel car parking space is 6 metres long, then the proposal could impact on the existing parking arrangements for several neighbours in the immediate vicinity and cause potential safety concerns in close proximity to the pedestrian crossing facility further east.

No details have been provided of surface water mitigation for surfacing over the garden area or grassed verge area with blockwork and non-porous material, which will prevent surface water permeating to the ground below, as is the current situation with the grassed areas. Surface water

will run along the driveway, over the footway areas and onto the layby and carriageway area of Nevinson Avenue. This could result in overloading existing highway drainage or water could freeze in winter along the route of the driveway and layby and further impact on highway safety. Please note that if the overall scheme was deemed acceptable by the Planning Authority, this particular matter could be overcome through changing the driveway material across the highway verge area to permit surface water to permeate into the sub layers below, including additional mitigation for the section of driveway in the domestic garden area to prevent run-off beyond the boundary wall onto the highway.

The proposal includes for the relocation of two road gullies at the carriageway edge of Nevinson Avenue, however the relocated gullies are positioned at the rear of the layby where they will be ineffective due to the higher position to capture surface water run-off from the layby and Nevinson Avenue carriageway.

Given the highway safety concerns above, as well as the potential loss of resident parking spaces, including the neighbouring disabled space, from the layby adjacent to accommodate the necessary visibility splays, the Highway Authority requests that the application be withdrawn. Alternatively, the Planning Authority may wish to refuse the application on highway safety grounds, including for the potential loss of resident parking space provision from the layby serving other residential properties, including visitors, which may result in indiscriminate parking on the highway adjacent.

South Tyneside Council- Tree Officer

As the crossover would require the removal of the mature Maple tree we would recommend NOT to give consent to the application. Also it should be noted the removal would be against the Councils Tree and Woodland Policy, General protection of trees, Page 16, 1.1 and 1.2 and Page 17.

Assessment

Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies and all other material planning considerations, including representations received, it is considered that the main issues for consideration are the impact upon on highway safety and impact upon trees.

Impact upon highway safety

Paragraph 110 of the NPPF states that development should achieve a safe and suitable access for all users. Paragraph 111 of the NPPF advises that 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.

Policy DM 1 (G) of the South Tyneside LDF states that the Council will ensure that the impact of the development is acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts.

The Highways Authority has been consulted on this application and raises a number of concerns regarding highway safety. The scheme proposes the construction of a concrete hardstanding to provide a vehicular cross over the verge to access the hardstanding to the front of the dwelling and the installation of a drop kerb.

Presently, vehicles of neighbouring properties utilise the existing layby to the side of the highway to park, including 2 no. marked disabled bays for the occupiers of nos. 1 and 3 Nevinson Avenue. The scheme

proposes a driveway across highway verge and two footpaths, one either side of the grassed verge area. Vehicles would be required to then emerge through the parallel parking layby immediately adjacent to the Nevinson Avenue carriageway to gain access to the carriageway in order to travel in a northerly or southerly direction.

Given the size of the front garden of 3 Nevinson Avenue, there is insufficient space to provide a turning area within the site curtilage to allow drivers to access/egress the highway in forward gear at all times. Due to no turning area being provided, drivers exiting the residential plot would be required to reverse approximately 10 metres across highway footpaths, verge and layby areas to the Nevinson Avenue carriageway edge. Exiting drivers would then need to view traffic travelling along the carriageway in both directions whilst reversing between parked vehicles either side obscuring visibility of any on-coming vehicles, including motorcycles and pedal cycles. The reversing manoeuvre under these difficult circumstances of limited visibility only exacerbates the highway safety concerns of a vehicle emerging into moving traffic.

The speed limit of Whiteleas Way is 20mph, however vehicle speeds have been observed in excess of the speed limit (85% vehicle speeds recorded in the vicinity exceed the speed limit, at 24.9mph eastbound and 22.9mph westbound.)

The Manual for Streets (MfS) by the Department for Transport sets out that the standards for the safe stopping distance of vehicles travelling at 20mph along a carriageway is 25 metres at 2.4 metres back from the carriageway edge and at a driver viewing height of 1.05m. Where vehicle speeds are higher, this would increase the required stopping distances of vehicles and therefore the related visibility splay requirements. In practical terms, for 25m sight lines to be provided to the site, this would necessitate the loss of 4- 5 parallel parking spaces from either side of the access point in order to provide and preserve the necessary sight lines for drivers to see sufficiently along the carriageway to determine a safe gap in the traffic to emerge through the layby and onto the carriageway. A slight relaxation in the loss of parking spaces would be possible to the east due to traffic travelling along the opposite side of the road. There is no proposal to sterilise or remove parking spaces from the layby in order to provide a safe means of egress onto the Nevinson Avenue carriageway as part of the scheme. This could therefore result in potential collisions with other users of the highway carriageway.

A neighbour has commented that the scheme would result in their marked disabled space being moved or lost. If the scheme was to progress with the required visibility splays provided, then this would sterilise/remove existing car parking provision for other residents of the estate, including visitors, adjacent and opposite the site, and marked disabled bays. This would likely have the potential for those resident's and visitor's vehicles to be displaced to other areas taking up other resident's layby parking spaces fronting their properties. Alternatively, drivers may use less suitable areas for parking where they may possibly cause highway safety concerns. Given that the in-curtilage width of housing plots in this general area is approximately 7.3 metres and the length of a single parallel car parking space is 6 metres long, then the proposal could impact on the existing parking arrangements for several neighbours in the immediate vicinity.

Given the highway safety concerns above, as well as the potential loss of resident parking spaces from the layby adjacent in order to accommodate the necessary visibility splays, the Highway Authority objects to the application on highway safety grounds, including the potential loss of resident parking spaces from the layby serving other residents and visitors. The proposal is considered to not be satisfactory with regard to highways safety and therefore contrary to policy LDF DM1(G).

Impact on trees

The proposal would result in a mature Maple tree being felled to make way for the proposed vehicle crossing. This has been also raised by the objector to the application.

In the first instance, Part 12 (Achieving Well Designed Places) of National Planning Policy Framework and in particular Paragraph 131 recognises that trees make an important contribution to the character and quality of urban environments, and that existing trees should be retained wherever possible.

At a local level, Policy DM1 states at part C, development must ensure that soft landscaping, including trees and hedges are protected or provide replacement planting where necessary.

The Maple tree lies within the highway verge, and is owned by the Council. The Council has an adopted Tree and Woodland Policy which states that no healthy tree will be felled unless arboriculturally necessary (para 1.1 p16). The removal of the Maple tree is not necessary from an arboricultural perspective, and its removal is not supported from the tree officer. It is considered the loss of the tree would be to the detriment of the visual amenity of the wider area. Therefore, the Local Planning Authority is unable to support the planning application in its present form given the tree is mature, and appears to be in good health, not considered to be threatened and not causing any demonstrated structural damage or danger to life or limb at this time.

In conclusion, the Maple Tree in its current form is considered to make a positive contribution to the street scene in conjunction with other nearby trees along Nevinson Avenue, and no materially adequate justification has been submitted to support its removal.

Given the above the removal of the tree would be contrary to part C of Policy DM1 of the South Tyneside LDF and paragraph 131 of the NPPF.

Other matters

It is not considered that this proposal would have the potential to materially harm the residential amenities of the occupiers of neighbouring properties (LDF Policy DM1(B)). Details of the proposed surface water run off treatment for the area of hardstanding proposed have not been provided, however this could be controlled through a condition requiring the submission of further details if permission was granted.

Conclusion

In conclusion, the proposal would result in a significant detrimental impact upon the highway safety for road users in the vicinity. Consequently the proposal would not comply with Policy DM 1 Management of Development (part G) of the South Tyneside LDF, and paragraph 110 of the NPPF.

The scheme would also result in the removal of a healthy tree, and its removal would have a detrimental impact upon the visual amenity of the surrounding area, in conflict with Policy DM 1 Management of Development (part C) of the South Tyneside LDF, and paragraph 131 of the NPPF.

As such the scheme is recommended for refusal.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Refuse Planning Permission

Refusal Reason

1. There is insufficient space to provide a turning area within the site curtilage to allow drivers to access/egress the highway in forward gear at all times. As a result, drivers would have to carry out a reversing manoeuvre between the driveway and carriageway. This manoeuvre would take place whilst the driver was trying to observe and avoid other users of the highway, including pedestrians, cyclists, motorcycles and general motor vehicles travelling along the highway in both directions. Additionally, vehicles parked in the Nevinson Avenue laybys would also restrict the visibility of emerging traffic from the proposal. As such, the proposal would represent a significant detrimental impact upon highway safety in the vicinity and therefore the proposal would not accord with paragraph 110 of the NPPF and South Tyneside Local Development Framework Policy DM 1 Management of Development (part G).
2. A mature Maple tree would need to be felled to facilitate the proposed vehicle crossing. The Maple tree is considered to be in a good state of health and the felling of the tree is therefore considered unjustified. The trees loss would have a detrimental impact upon the visual amenity and the character of the area, contrary with paragraph 131 of the NPPF and South Tyneside Local Development Framework Policy DM 1 Management of Development (part C).

Informatives

In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.

Case officer: Adam Williamson

Date: 15th August 2022

Authorised Signatory:

Date:

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