DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0435/22/FUL
Proposal: Change of use of public open space to private garden with off-street parking. Boundary wall around land with open access for vehicle
Location: Land Adjacent to 56 Summerhill Road
South Shields
NE34 6RZ

Site Visit Made: 21/09/2022

Relevant policies/SPDs

1 DM1 - Management of Development (A, B, C, D, G)

2 SPD3 - Green Infrastructure Strategy

Description of the site and of the proposals

This application relates to a piece of open space measuring 5.8m by 2.2m to the front of an east facing semi detached dwellinghouse in the established residential area of South Shields. To the front of the property there is a paved driveway which spans the entire width of the property. Between the highway and the property there is a driveway access to the highway and the area of open space which contains unkempt shrubs. This area is enclosed to the north and west by a 700mm high wall.

This application seeks full planning permission to change the use of the area of open space to a driveway and incorporate it into the existing driveway. The wall would be demolished and the area of open space would be paved over. A new 1m high brick wall would be built to the southern and eastern boundaries of the area. The existing vehicular access between the highway and the driveway would remain as existing.

The application's description was changed on 17th January 2023 to make the description more concise however it was not considered necessary to re-publicise the application. On 17th January 2023 the applicant also confirmed via email that the proposed block paving would be made from a porous material in order for rainwater to naturally drain through.

Publicity / Consultations (Expiry date: 28/09/2022)

1) Neighbour responses

None received

2) Other Consultee responses

Traffic & Road Safety

When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

The additional information provided with your re-consultation dated 1st December 2022 has been examined and has been found to be generally acceptable, albeit for not identifying the following:

- a surface water discharge point/outlet for the newly proposed Aco channel drain along the site frontage, to show the drain discharging to a sewer or similar. These details can be conditioned if the LPA do not wish to seek further amendments prior to determining the application.

- The existing vehicular access dropped kerb on the site frontage is only sufficiently wide to accommodate access to one of the two car parking spaces proposed. Widening of the existing dropped kerb and strengthening of the footway will therefore be necessary as part of the proposal to facilitate access to the second parking space and avoid vehicles driving over a high kerb damaging the highway infrastructure, public utility apparatus below and resident's vehicles.

A condition regarding surface water drainage onto the highway has been recommended

Local Plans Team

The site does not appear to be identified as designated open space and is not included in the Open Space Study 2015 and 2019 addendum. The application site was not included in these studies and therefore there is no formal assessment of the sites quality or value.

We have no comments to make on the application.

Assessment

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

Local Development Framework (LDF) Policy DM1 (C) states that developments should protect existing soft landscaping. LDF Policy DM1 (D) states that in new developments soft landscaping should contribute towards a high quality setting for buildings, improve visual amenity and enhance community activity. Further guidance regarding the importance of public amenity space is provided within Supplementary Planning Document 3 'Green Infrastructure Strategy'.

Paragraph 8.4 of SPD3 states that green infrastructure provides opportunities to enhance local identity, visual amenity and landscape character, helping to create a sense of place and promoting local pride.

Paragraph 2.17 of the South Tyneside LDF Development Management Policies and paragraph 9.6 of SPD3 state that pockets of amenity open space in residential areas can help to maintain good quality urban spaces and contribute to the character and visual amenity of an area.

The South Tyneside Open Space Study 2015 and its 2019 addendum is an audit of existing open space provision in the borough and sets out an assessment of current and future requirements. The site in question is not included in these studies.

NPPF paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity

and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

It is proposed that a small portion of grassed open space containing shrubs to the front of 56 Summerhill Road would be lost. This parcel of land forms part of a larger grassed verge which runs to the south.

Given the small scale of the open space to be lost, it is not considered that its loss would result in a significant reduction in the amount of available open space in the area. Whilst SPD3 states that small pockets of amenity space can contribute to the character and appearance of the area, a large expanse of grassed verge would remain in addition to the larger areas of open space nearby and so this loss would not be significant. This application is the first for the loss of such an area of open space in the area although it is noted that some of the grassed area to the front of No. 60 Summerhill Road has been lost as that property has constructed a driveway across the grassed verge, although no planning consent can be found for this development. Should other properties wish to remove areas of open space to the front of their properties, each application would be considered on its own merits.

Additionally it is not considered that the area of open space would be used for recreational purposes, given its small size and location, and also given the availability of other larger areas of open space in the vicinity. The Local Plans team have raised no objection to this proposal. In conclusion and on balance, it is considered that this public open space is surplus to requirements and its loss would be acceptable.

It is proposed that a 1m high brick wall be constructed to the southern and part of the eastern boundaries of the area. The existing boundary wall surrounding No. 56's front garden would be demolished. The area would form a parking area for No. 56 and would be block paved, with a drainage channel along the vehicular entrance to the eastern side. Local Development Framework (LDF) Policy DM1 (A) seeks to preserve visual amenity. The area hosts a number of front gardens to houses which are surrounded by brick walls of approximately 1m in height. The proposed wall would be in keeping with other front boundary treatments in the area and so would be acceptable.

Local Development Framework (LDF) Policy DM1 (G) seeks to preserve highway safety. The creation of the off street parking area and the construction of the 1m high wall would not result in any significant concerns regarding highway safety. No objections have been raised from the Traffic & Road Safety team. A condition has been recommended by the Traffic & Road Safety team however regarding the surface water runoff from the driveway onto the highway. An ACO drainage channel would be installed between the driveway and highway to allow for drainage, and the applicant has stated via email that pipework would connect this drain to the property's main drain, although no further information has been required regarding this. The applicant has also stated that the proposed block paving would be made from a porous material.

Paragraph 56 of the NPPF states that 'planning conditions should…only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. It is not considered that the inclusion of a condition requiring these works to include a drainage channel would be necessary to make the development acceptable in planning terms and as such, no condition in this regard is recommended. Given that the driveway would be porous, it is not considered that the proposed development would generate a significant increase in surface water run off than as existing. Consequently it is not considered necessary to include a condition requesting this information.

The applicant has stated that they are in consultation with the Council's highways team with regards to a dropped kerb. This would not require panning permission and does not form part of this application.

The proposal would comply with Local Development Framework (LDF) Policy DM1 (B) as there would be no significant harm to residential amenity.

In conclusion, the proposal complies with all relevant local and national planning policies. Therefore, the application is recommended for approval.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

"56 Summerhill Road Current and Proposed Plans" received 06/11/2022
"Proposed Elevation" received 07/11/2022

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted shall be as set out on the submitted application form and as on the plans as listed in condition 2 and any hard surfacing laid within the application site shall be made of porous materials. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2 Alterations to the adopted highway/footway to create or widen a vehicular footway crossing will require the approval of the Council as Local Highway Authority. Please see https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers or call 0191 427 7000 for further information.

3 Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

Case officer: Seán Gallagher
Signed:
Date: 18/01/2023

Authorised Signatory: G.Horsman
Date: 19/01/2023
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