# South Tyneside Council

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| **Reference:** | ST/0287/24/FUL |
| **Location:** | 204 Mortimer Road<br>South Shields<br>NE34 0DS |
| **Ward:** | West Park |
| **Description:** | To replace existing kerb to a dropped kerb for accessing property (vehicular access crossing) |
| **Recommendation:** | Grant Permission with Conditions |
| **Case Officer:** | Emma Thomas |
| **Case Officer Contact No.:** | 0191 4247593 or 07741105284 |

## Description of the Site

This application relates to a north-east facing semi-detached dwelling located in a residential area of South Shields.

## Description of the Proposal

This application seeks full planning permission to replace the existing kerb to a dropped kerb creating a vehicular access crossing.

## Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 12/06/2024.

Transport Development Officer - The application consultation details have been examined and it is noted that the proposed vehicular access dropped kerbs will serve the existing vehicular access opening and driveway within the site curtilage.

No highway safety concerns are envisaged as a result of the development providing that the new vehicular access is constructed correctly.

## Planning Conditions and Notes to Applicant:

Recommended planning conditions and notes to applicant required should consent be granted.

**S184 Agreement** – In respect of works to construct the vehicular access crossing of the footway serving the new driveway area.

**Means of vehicular access to be constructed**

The driveway area shall not be brought into use until a means of vehicular access serving the driveway have been constructed in accordance with the approved plans.

**Reason:** In the interests of highway safety, in accordance with the policy of the LDF and the NPPF.

**Construction of new vehicle crossing point (S184)**

You should note that the construction of a new vehicle crossing point is required. To arrange the access construction works (and to make good any damage or other works to the existing footpath or verge) please refer to https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers / email: Highways@SouthTyneside.gov.uk / or call: 0191 427 7000 for further information.

## Summary of Representations

No responses received

## Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- LDF Policy DM1 (A, B, G)

The following policies and guidance are also relevant to this planning application:

- Supplementary Planning Document 6 (Parking Standards)
- Supplementary Planning Document 9 (Householder Development)

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that are listed below are not appraised in detail in the assessment set out below:

- LP Policy SP1 - Presumption in favour of Sustainable Development
- LP Policy 1 - Promoting healthy communities
- LP Policy 47 - Design Principles

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

## Assessment

The main considerations are the impacts the development will have on visual and residential amenity and highway safety.

LDF Policy DM1 seeks to preserve residential and visual amenity, and highway safety. SPD9 sets out guidance for householder developments and states that planning permission will be required in circumstances where the crossing will open on to a classified road. Where planning permission is required, there will be a general presumption against those proposals that would unreasonably impact upon the local highway network, whilst the siting of a crossing should have regard to the design layout of an estate.

The proposed development is considered to be relatively minor in nature with the area containing a number of dropped kerbs and vehicle crossings across grass verges including the host property. Consequently, the proposed development would not have a significant adverse impact upon the visual amenity of the area. The proposed development would not have any realistic potential of materially impacting the amenities of neighbouring residents. No objections have been received from neighbours.

The Council's Transport Development Officer was consulted on this application and has not raised any objections, providing that the new vehicular access is constructed correctly. They requested a condition relating to a S184 Agreement, however this was not deemed necessary so an informative has been included. They also requested a condition relating to means of vehicular access and that the driveway area should not be brought into use until the extra vehicular access has been constructed. This is also considered unreasonable as the driveway is currently in use as there is an existing dropped kerb/vehicular access.

## Conclusion

Having regard for the above it is considered that the proposal would result in no significant harm.

As a result, it is considered that the proposed development complies with all relevant local and national planning policy and guidance. Consequently, this 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

- Block Plan – Received 15/05/2024
- Existing and Proposed Block Plan - Received 16/05/2024

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.

**Informatives**

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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. You can find out more about this at: https://www.southtyneside.gov.uk/article/38198/Droppedkerbs-and-crossovers or call 0191 427 7000 for further information.

3 It is an offence to obstruct a public highway. The adjacent public footpath located between the hereby approved dropped kerb and the applicant's front garden must therefore be kept clear of parked vehicles at all times.

4 Construction of new vehicle crossing point (S184)

You should note that the construction of a new vehicle crossing point is required. To arrange the access construction works (and to make good any damage or other works to the existing footpath or verge) please refer to https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers / email: Highways@SouthTyneside.gov.uk / or call: 0191 427 7000 for further information.

**Case officer:** Emma Thomas
**Signed:** *E.Thomas*
**Date**: 02/07/2024

**Authorised Signatory: Seán Gallagher**
**Date**: 03/07/2024