



South Tyneside Council

Reference:	250209
Location:	156 Highfield Road South Shields NE34 6JL
Ward:	Horsley Hill
Description:	Extend width of dropped kerb
Recommendation:	Grant Permission with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Summary of Consultation Responses

Highway Authority

The scheme has been reviewed and is considered acceptable in principle subject to the matters below being satisfactorily incorporated into the scheme.

Highway Safety

No highway safety concerns are envisaged because of the development, providing the vehicular access serving the driveway is constructed correctly for the full depth and width of the vehicular access crossing of the footway. Related planning condition(s) are recommended below should the scheme be granted planning consent.

Parking

The in-curtilage car parking area already exists, with the proposal being to widen the vehicular access area of the footway to accommodate vehicle over-run to/from a double width section of the driveway area. This is the maximum width of access crossing that the Highway Authority will allow.

Highway Works

The vehicular access dropped kerbs are required to be widened, including strengthening of the full area of footway crossing (not just the first 600mm or so), to serve a double width driveway area. The vehicular access is required to be constructed to STC specifications, with the works inspected by the Highway Authority.

A condition is required relating to the completion of the widened vehicular access crossing prior to its first use, and an informative recommended in relation to Section 184 Highways works.

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 statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, a Development Management Policies Development Plan Document (DPD) 2011, a Site Specific Allocations Development Plan Document DPD 2012.

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

- LDF Development Management Policy DM1 (A, B and G)
- Supplementary Planning Document 9 (Householder Development)

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy 1: Promoting Healthy Communities (limited)
- Policy 47: Design Principles (very limited)

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

LDF Policy DM1 seeks to preserve the visual amenity of the area (limb A) and the residential amenity of neighbouring properties (limb B), whilst Supplementary Planning Document 9 provides guidance for householder developments. Given the nature of the development, it is not considered that it would give rise to significant harm to the visual amenity of the area or the residential amenity of any neighbouring properties.

LDF Policy DM1 (G) seeks to preserve highway safety. It is considered that subject to the proposed condition requiring the works to be completed in advance of the widened part of the access being first used, there would be no significant harm to highway safety and the proposal would be considered acceptable.

Conclusion

In conclusion, and having regard for all of the above, it is considered that the proposal would have an acceptable impact upon the residential and visual amenity of the area, and highway safety. It is considered that the proposal complies with all relevant local and national planning policy and the application is therefore 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

Proposed Plan 17/04/2025

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 widened part of the vehicular access crossing shall not be brought into use unless and until it has been completed in accordance with the details as shown on Proposed Plan received 17/04/2025.

In the interests of highway safety, in accordance with Policy DM1(G) of the South Tyneside LDF and the NPPF.

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

- 2 Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

- 3 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

- 4 Alterations to vehicle crossing point (widening driveway) (S184)

You should note that alterations to the existing vehicle crossing point(s) are required. To arrange the alterations (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: Nick Graham

Signed: N. Graham

Date: 17/06/2025

Authorised Signatory: *G. Simonette*

Date: 18/06/2025