

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0471/16/FUL
Proposal: Retrospective consent sought for the change of use of the 'old tennis' court (unused) for the storage of caravans.
Location: South Shields & Westoe Club, 33 Dean Road, South Shields, NE33 4EA

Site Visit Made: 19/07/2016

Relevant policies/SPDs

- 1 DM1 - Management of Development (A, B and G)
- 2 DM6 - Heritage Assets and Archaeology
- 3 SA6 - Social, Community and Leisure Facilities Opportunities
- 4 SA7 - Green Infrastructure and Recreational Opportunities
- 5 LDF CS SC6 - Providing for Recreational Open Space, Sport and Leisure
- 6 SPD3 - Green Infrastructure Strategy
- 7 SPD3 - Green Infrastructure Strategy Technical Appendices
- 8 SPD10 - Westoe Conservation Area Management Plan - Adopted August 2007

Description of the site and of the proposals

This planning application (submitted by South Shields and West Club Ltd) was received as valid in June 2016. The application seeks to regularise an alleged planning breach of the site which comprises the change in use of the land (0.144 hectares) from recreational open space (hard surfaced tennis courts) to the use of the land for open storage (24 hours a day) for around 30-40 touring caravans and motor homes. This alleged unauthorised use may have existed on an ad-hoc basis since the application was made.

This application site comprises an area of tennis courts that forms part of a larger parcel of sports ground / recreational open space which is used for private membership sporting purposes including tennis, cricket and rugby. The sports ground is the largest area of recreational open space within Westoe Conservation Area.

There is a further tennis court and club house located to the east of this application site within the boundaries of the sports ground. This large area of recreational space (including the application site) is controlled by South Shields and West Club Ltd.

Within the description of development, included on the planning application form and within the applicant's letter submitted with the planning application, it states that the application site comprises the 'old tennis' courts which are 'unused' and that permission is therefore being sought to change the use of the land to a temporary caravan storage, 'to help fund the running of the club'.

The description of the development on the completed planning application form also states that the caravans are being stored as a 'fund raiser'.

The submission also confirms that existing side entrance from Hartington Terrace will be used for vehicle access and that the caravans will be stored for a few months in the year.

However no evidence has been provided to demonstrate why it is considered that the application site is no longer in use or required for its lawful planning use i.e. as tennis courts forming part of a sports ground used for recreational purposes. Clearly the sports ground has existed to the benefit of the borough's residents with sports and recreation provision for a number of years.

It is also not clear from the information submitted whether the proposal seeks permanent consent for all year round storage of caravans with 24 hr access/egress to the site, whether the proposal was just a fund raising one-off event for a limited period, or whether the storage of caravans is required permanently but only within only a set period of the year with 24 hr access/egress being provided onto the site.

It appears that these outstanding matters, alongside queries about vehicle access/egress, have led to the application being left undetermined since it was made valid in 2016.

However on 16 December 2019 an email was sent to the applicant querying whether the site was still being used for the storage of caravans and if not, querying whether the application should be withdrawn. The response received was that a decision on the application was required and as such this report was then drafted.

Publicity / Consultations (Expiry date 14/07/2016)

1) Neighbour responses

Letters of objection received from the occupiers of 39 Dean Road, 14 Hartington Terrace, 18 Hartington Terrace and 22 Hartington Terrace raising a number of concerns, including:

- The development takes place within the boundaries of a conservation area and does not enhance its appearance. The council is under a legal duty to have particular regard to the desirability of preserving or enhancing the character and appearance of a designated conservation area
- The caravans are an eyesore
- The tennis courts should not be lost when there are not many facilities for tennis in South Shields. The site is well used by children and families.
- Application details state that the tennis courts have been unused for approx. 15 years. I have photographic evidence from 2009 and 2011 of them being used; and the courts were used in 2012/2013 as a venue for Ladies Keep Fit Classes.
- This is a busy residential street and we have enough traffic to contend with without lorries and big motor vehicles accessing the site off Hartington Terrace
- The site is not only currently used to store caravans but cars, vans and lorries
- The manoeuvring of the caravans onto and off Hartington Terrace represents a safety hazard and would increase the chance of an accident.
- There are comings and goings very early and very late at night. The users are inconsiderate and very noisy at times.
- Most caravans store gas canisters. This would be very dangerous near the houses on Hartington Terrace, also the rugby club has fireworks displays at certain events.
- The houses surrounding the site have been devalued by the caravan storage

Case Officer Comment: Property devaluation and the alleged storage of gas canisters within the application site carry no weighting in the determination of this planning application. This is

because the land use planning system is regulated by the planning system and is led by adopted planning policy.

2) Other Consultee responses

Traffic and Road Safety: following submission of additional supporting information clarifying access/exit arrangements for caravans and opening times for owners, confirmed they wished to offer no further comments.

Assessment

The main issues relevant to the assessment of this proposal are the;

- Impact on recreational open space provision;
- Impact upon visual amenity and upon Westoe Conservation Area;
- Impact on residential amenity; and
- Impact upon highway capacity and safety

Impact on recreational open space provision

Whilst the application site may form part of a wider land allocation for future 'mixed use' development under the South Tyneside LDF Site Specific Allocations Plan, the tennis courts / recreational open space (proposed for caravan storage) is the existing authorised land use and careful consideration to the proposal must therefore be given having had regard to South Tyneside LDF Core Strategy Policy SC6. This policy seeks to protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the Borough.

Whereas the South Tyneside LDF Policy SA6 (Site Specific Allocations DPD) makes clear that the council will promote and encourage proposals that broaden the range of leisure facilities and other social and community facilities to serve local needs.

In addition, National Planning Policy Guidance (NPG) makes clear that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. NPG therefore makes clear that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- 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
- The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

These local and national policy objectives mean that planning permission would not normally be given for the development of existing open spaces that local communities need. Any such evidence should accompany the planning application.

No such assessment has been submitted in support of this planning application and, as such, it is not considered that sufficient justification has been provided to support the permanent loss of this recreation open space provision from the borough.

Although the applicant considers that the application site has not been used as 'tennis courts' for approximately 15 years, a nearby resident has written in response to this planning application to say that

they have photographic evidence from 2009 and 2011 showing the tennis courts in use and confirming that they were also used in 2012/2013 as a venue for Ladies Keep Fit Classes.

It remains unclear whether this will be a temporary or permanent loss of the tennis courts / recreational open space and given that the proposal was made as a 'fund raising' event which suggests that the development is only required for a temporary period in the short term, it is considered that a temporary planning consent for one year is reasonable. This would allow the applicant sufficient time to decide whether to cease the use after the temporary one year consent has lapsed or to re-apply for planning permission with a detailed recreational open space assessment (as required by NPG and LDF Policies SC6 and SA6) which clearly demonstrates why the applicant considers that this area of recreational open space is surplus to requirements, or that includes a suitable replacement provision.

Impact upon visual amenity and upon Westoe Conservation Area

Policy DM1(A) requires development to convey sensitive consideration to its surroundings; and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy DM6 (Heritage Assets and Archaeology) requires development proposals to protect, preserve and where possible enhance the historic, cultural and architectural character and heritage, visual appearance and contextual importance of our heritage assets and their settings.

No building works or engineering operations are proposed (or have been carried out) to accommodate the caravan storage on the tarmac tennis courts. The Westoe Conservation Area Management Plan highlights the fact that a high boundary wall and wooden fencing encloses the boundary of the Sports Ground along Hartington Terrace, which the caravans are stored behind. The Management Plan states that this presents an uncompromising edge and offers limited interaction between the public realm and the Sports Ground. It also serves to reduce the visual prominence of the caravans stored in this part of the ground. A planning condition is suggested that prevents this existing high boundary treatment from being lowered or removed either in part or completely.

Having regard to the screened position of the caravans behind a high boundary treatment, the lack of any building works required to facilitate this storage; and the temporary nature of the use sought, it is judged that the storage of caravans on this section of the Sports Ground has resulted in a neutral impact on the character and setting of Westoe Conservation Area; and does not conflict with the policy objectives of LDF Policies DM1(A) and DM6.

Neighbouring Amenity

Hartington Terrace separates the application site from a terrace of two storey residential dwellings. The vehicle access/egress to the application site is also overlooked by these neighbouring dwellings.

It is not clear from this planning application precisely what the timeframe is for the storage of caravans on the site i.e. does the proposal seek a temporary 1 year consent for the storage of the caravans with 24 hr access/egress provided to the site or does the proposal seek a permanent consent for the use of the land for the storage of caravans within certain calendar months of the year with 24 hr access/egress provided to the site. Given the close proximity of the application site and its vehicle access/egress, either scenario will have an impact upon the existing level of amenity enjoyed by the residents of the nearby residential dwellings.

LDF Policy DM1(B) requires a development to be acceptable in relation to any impact on residential amenity.

Given that the proposal has the potential to cause harm to residential amenity particularly at unsocial hours, noise and general disturbance from traffic movements, and given that it appears that the use of the land for caravan storage appears to have taken place on an ad-hoc basis over a period of time since the application was made valid in 2016 it is considered that a temporary planning consent for one year should be given. Any future application would need to be determined upon its individual planning merits and in line with adopted planning policy.

Highway capacity and safety

Criterion D of the Local Development Framework Policy DM1 requires the impact of the development to be acceptable in relation to highway capacity and safety.

The tennis courts are accessed via an existing vehicular entrance (with gates and a dropped kerb) to the site off Hartington Terrace, stated by the applicant to have previously been used for access to the playing fields for ambulances, deliveries etc. Traffic calming measures (including speed bumps) are present along Hartington Terrace.

The applicant has confirmed that there is space to manoeuvre the caravans within the site, with the caravans able to drive onto the adjacent sports field before accessing the storage area, in order to prevent any obstruction of the public highway along Hartington Terrace in the event of a number of caravans attempting to access the storage facility at one time. Similarly, the applicant has also confirmed that there is space within the site to allow for the manoeuvring of the caravans to ensure that they do not need to reverse onto the public highway when exiting the site. The Local Planning Authority has not been notified of any accidents or collisions involving caravans using the site.

The council's Traffic and Road Safety Team were consulted and, following the submission of additional details confirming the opening hours of the storage, as well as how the caravans would manoeuvre to access/exit the site onto the public road, confirmed that they wished to no further comments on the development, raising no objections to the use of this part of the site for caravan storage.

On the basis of the above, it is considered that the use accords with the objectives of Local Development Framework Policy DM1 (G).

Conclusion

The applicant has failed to provide a recreational open space assessment which would have otherwise demonstrated her opinion that the land is surplus to requirements for recreational use. As such, the permanent loss of the recreational land, without justification, would not accord with both national and local planning policy.

However, for the reasons set out above in the planning assessment section of this report, it is considered that a temporary one year planning consent should be granted as this proposal has been described by the applicant as a 'fund raising event' which implies that the use of the land is required for a temporary period in the short term. A planning condition is also suggested requiring the existing high boundary treatment, which encloses the site from Hartington Terrace, to be retained for the duration of this one year permission in the interests of safeguarding the character and appearance of Westoe Conservation Area.

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

Recommendation

Grant Permission with Conditions

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Conditions

- 1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 20 December 2020. To the satisfaction of the Local Planning Authority, unless an application for renewal or permanent retention has been submitted to and approved in writing by the Local Planning Authority.

The hereby approved application describes the use of the land for caravan storage as a fund raising event which implies a temporary use of the land in the short-term, but in any event; 1) The application has not been supported by a recreational open space assessment, and 2) The application site along with its vehicle access/egress lies within close proximity to neighbouring terraced houses and the amenity of these residents may be harmed by the comings and goings of caravans if left uncontrolled.

A temporary planning consent would therefore accord with South Tyneside Council Local Development Framework Policies SA6, SC6, DM1(B) and the national planning policy guidance.

- 2 The existing high timber fence along the south western boundary of the application site with Hartington Terrace (as shown within the applicant's photographs submitted with this hereby approved planning application) shall be retained and maintained at its existing height and composition, and it shall not be lowered or partially removed, until 20 December 2020.

The existing high timber boundary fence enclosure along the south western boundary of the site provides an effective screen for the caravan storage area from the public realm of Westoe Conservation Area. The retention of this feature in association with the temporary caravan storage use of the land would be in accordance with South Tyneside Local Development Policies DM1(A) and DM6.

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.

Case officer: Joshua Kenolty

Signed:

Date: 19/12/2019

Authorised Signatory: Peter Cunningham

Date: 19/12/2019

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