DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0913/22/FUL
Proposal: Change of use from the open space to private garden land
Location: Land to the North of Toad Hall
Front Street
East Boldon
NE36 0SF

Site Visit Made: 18/01/2023

Relevant policies/SPDs

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

2 DM6 - Heritage Assets and Archaeology

3 EBNP Policy EB4 – Heritage Assets

4 SPD3 - Green Infrastructure Strategy

5 SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

6 SPD21 - Locally Significant Heritage Assets

Description of the site and of the proposals

This application relates to a piece of open space measuring 17m by 3m to 4m (the parcel of land narrows to the east) to the front of a north facing dwellinghouse in East Boldon. The parcel of land is raised higher than the pavement to the north and currently hosts planting. It forms part of a longer raised planting bed which also runs to the east.

As originally submitted, this application referred to the eastern portion of the planting bed. However, the applicant then amended the application to relate to the western portion of the raised bed.

The application was subsequently re-publicised for 21 days.

This application seeks full planning permission for the change of use of the western part of the raised bed from public open space to part of the residential curtilage of Toad Hall, to be used as a private garden. No physical works are proposed.

Toad Hall is located within the East Boldon Conservation Area. It is raised up behind South Farm's boundary wall and is a small mid-twentieth century brick building with a large swept roof in slate. The former old men's recreation rooms building was converted to a furniture sales room and named Toad Hall in 2000, and subsequently converted to a dwelling over more recent times.

The East Boldon Conservation Area Character Appraisal (February 2006) states: "*Raised up behind South Farm's boundary wall is a small mid-twentieth century brick building with a large swept roof in slate. This former old men's recreation rooms building has been imaginatively converted to a furniture sales room named Toad Hall*"

Publicity / Consultations (Expiry date 22/02/2023)

1) **Neighbour responses**

16 Front Street, East Boldon – support

I agree with the proposal for this land to be a garden. Council funds would probably not stretch to maintain this land to any standard, so fully support the new ownership and the continued use as a garden. My particular view from my window, and the image of the village, is enhanced by the efforts made by Toad Hall and these should be encouraged rather than hindered.

South Lodge, Belle Vue Lane, East Boldon – object

This is a Public Owned Space for the Public to enjoy, it should not be sold for development to a private business that will undoubtedly create Urban Sprawl. This area could be adopted by the Village and used for flower beds so that all can enjoy.

2) **Other Consultee responses**

Traffic & Road Safety

No objections raised

Local Plans Team

No objections raised

Historic Environment Officer

No response received

East Boldon Neighbourhood Forum

No response received

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.

The NPPF defines green infrastructure as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Paragraph 99 of the NPPF 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.

As existing the site in question is a raised area of planting located between Toad Hall itself and the pavement of Front Street. The site is currently public open space and it is proposed to incorporate the land into the residential curtilage of Toad Hall, to be used as a private garden.

Given the small scale of the open space to be lost from public open space, 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, there are a number of other public open spaces within 5 minutes' walk of the application site as set out in the South Tyneside Open Space Study, and given the small scale of the site it is not considered that its loss would be significant. Additionally, given the small scale of the site, and its location, raised up from the pavement, it is not considered that the area of open space would be used for recreational purposes, and also given the availability of other larger areas of open space in the vicinity. As set out above, the Local Plans team have raised no objection to this proposal. Furthermore in terms of neighbourhood plan policy EB5, the site is not identified on the Policies Map as Green Infrastructure that would be subject to this protective policy. In conclusion and on balance, it is considered that this area of open space is surplus to requirements and that the loss of the public open space is acceptable.

It is noted that a representation has been received from a local resident suggesting that the land could be adopted by the village and used for flower beds, and that the development would lead to urban sprawl. Whilst the proposal noted by this objector is noted, this is not what is being proposed by this planning application, and the Local Planning Authority must determine the proposal that is set out before it. Given the small scale nature of the proposed change of use, and given that no physical works are being proposed it is not considered that the proposed development would lead to urban sprawl. Whilst issues related to views from windows are noted, this is not a material planning consideration.

LDF Policy DM1 (G) seeks to preserve highway safety. Whilst the application site is set adjacent to the highway, it is not considered that the proposed development would lead to any significant harm to highway safety. The Council's Highways team have raised no objections to the proposed development.

LDF Policy DM1 (B) seeks to preserve the residential amenity of nearby properties. There would be no physical works and it is not considered that there would be significant harm to the residential amenity of any nearby properties.

LDF Policy DM1 (A) seeks to preserve the visual amenity of the area. LDF Policy DM6 seeks to preserve the historic environment of the borough. The site is located within the East Boldon Conservation Area and SPD15 is the East Boldon Conservation Area Management Plan. SPD15 identifies that the site is within the Front Street Character Area and states that the Council will endeavour to ensure that any

future improvement works to Front Street: A) Reinforce the distinct qualities and character of the area; B) Secure the use of appropriate materials and street furniture; and C) Improve accessibility for the widest range of users. Furthermore, there are a number of locally listed buildings (as set out in Supplementary Planning Document 21) in the area and there are a number of Grade II listed buildings on Front Street.

The East Boldon Neighbourhood Plan was adopted in 2021 and Policy EB4 seeks to ensure that appropriate weight is given to the impact of a development proposal on the significance of a heritage asset.

No physical works are proposed by this application and it is not considered that the development would result in significant harm to the visual amenity of the area, the character and appearance of the East Boldon Conservation Area, or significant harm to the setting of any listed or locally listed buildings.

It is noted, however, that should consent be granted to change the use of the land to residential curtilage, then the land would automatically have permitted development rights to construct a hard surface such as ashphalt. It is considered that any such surfacing would significantly detract from the character and appearance of the conservation area, particularly given the land's raised and therefore highly prominent location. As such, a condition is proposed to remove permitted development rights to hard surface this area.

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

Drg No. P02 revision B received 28/11/2022

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 Notwithstanding the provisions of Class F of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no hard surface shall be constructed upon the land that is subject to this planning application, without an application for planning permission having first been submitted to and approved in writing by the Local

Planning Authority.

In the interests of visual amenity and to preserve the character and appearance of the East Boldon Conservation Area in accordance with LDF Policies DM1 and DM6, and Policy EB4 of the East Boldon Neighbourhood Plan.

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: Seán Gallagher
Signed:
Date: 02/03/2023

Authorised Signatory: G.Horsman
Date: 09/03/2023

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