DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0637/23/FUL
Proposal: Temporary siting of storage containers
Location: Lukes Lane Community Centre
Marine Drive
Hebburn
NE31 2BA

Site Visit Made: 29th November 2023.

Relevant policies

1 DM1 - Management of Development (A & B)

2 LDF CS SC6 - Providing for Recreational Open Space, Sport and Leisure

Description of the site and of the proposals

The application site consists of the playing fields at Lukes Lane Sports Field, Hebburn. The site contains several football and rugby pitches, a play area, a sports pavilion and a community centre. Jarrovians RUFC is also based at the site. The site is bounded to the west by new build residential development, with a band of tree planting on the boundary, new build dwellings also to the north on Monkton Lane, there is also a small parking hardstanding area to the north, and 1970's housing lies to the east across Marine Drive, and Monkton Ponds Local Nature Reserve to the south.

Temporary planning permission is sought for the siting of 2 shipping containers to provide storage for both football and rugby equipment until a more permanent building can be financed and constructed, for a maximum 3 year period.

Container 1 would be sited to the north western edge of the site next to the northernmost football pitch. This container would be clad with vertical timber boarding (Siberian Larch, Finnish Redwood or Douglas Fir), and would be used to contain sports equipment such as goal posts, flags, training aids etc. The container would be sited approximately 6 metres off the western boundary of the field.

Container 2 would be sited against the southern elevation of the sports pavilion. This container would be clad with composite cladding boards coloured cream to match the render to the pavilion building. This container would store maintenance equipment such as grass cutters, line marking equipment etc.

Consultations (Expiry date 04.12.2023)

1) **Neighbour responses**
60 Monkton Lane, Hebburn-
Storage container 1 is very close to houses on the adjacent Maples estate. Concerns around anti-social behaviour eg graffiti and climbing on top.

Reduces the amount of public walking space around pitches when games are being played.

Both containers can be situated at the clubhouse.

Storage if goal posts is not required as posts are already permanent fixtures.

2) **Other Consultee responses**
Sport England-

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states: 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

• all or any part of a playing field, or
• land which has been used as a playing field and remains undeveloped, or
• land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England **does not wish to raise an objection** to this application.

Assessment

Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies and all other material planning considerations, including representations received, it is considered that the main issues for consideration are:

The main considerations in assessing this case are:

- The principle of the development including the impact on designated Playing Field
- Visual amenity
- Impact on neighbouring uses
- Other matters

The principle of development Including Impact on Designated Playing Field

LDF Policy SC6 Providing Recreational Open Space, Sport and Leisure seeks to support schemes that will protect and improve the quantity, quality and accessibility of open space and outdoor sport facilities, in accordance with adopted standards and other relevant legislation.

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.

Sport England's Playing Field Policy is a protective policy and sets out a presumption against development on or affecting playing field. There are five types of development which are considered as exemptions from this presumption against. Sport England's Playing Field Policy (last updated December 2021) sets out the five exceptions for when building on or the loss of playing fields can be considered acceptable. These exceptions are:

- Exception 1 - a robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interest of sport.

- Exception 2 - the proposed development is for ancillary facilities supporting the principle use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

- Exception 3 - the proposed development affects only land incapable or forming part of a playing pitch and does not:

    - Reduce the side of any playing pitch;
    - Result in the inability to use any playing pitch (including the maintenance of adequate safety margin and run-ff areas);
    - Reduce the sporting capacity of the playing field to accommodate playing pitched or the capability to rotate or reposition playing pitched to maintain their quality;
    - Result in the loss of other sporting providing or ancillary facilities on the site; or
    - Prejudice the use of any part of a playing field and any of its playing pitches

- Exception 4 - the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of the development, by a new area of playing field: Of equivalent or better quality, and
    - Of equivalent or greater quantity, and
    - In a suitable location, and
    - Subject to equivalent or better accessibility and management arrangements

- Exception 5 - the proposed development is or an indoor or outdoor facility for sport, the provision of which would be of a sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use of the area of playing field

The site is designated open space for outdoor sport in the South Tyneside Playing Pitch Strategy, however, container 1 will be sited on the edge of the footpath pitch and is intended to provide storage facilities for use in connection with the pitches, and container 2 would be sited to the immediate south of the pavilion and would house site maintenance equipment.

Playing Field Policy is a protective policy which assumes a presumption against building on playing field, unless one of the exceptions set out in Sport England's Playing Field Policy is met. Sport England were consulted on the application and confirmed that the development would comply with exception 2 - that the proposals would be ancillary to the use of the site for football and rugby. Based on the above, it is considered that the proposed development would be acceptable in principle subject to consideration of more detailed issues and relevant development plan policies below.

Temporary consent

Section 72 of Town and Country Planning Act 1990 makes clear that the local planning authority may grant planning permission for a specified temporary period only.

The Government's *Practice Guidance on the Use of Planning Conditions* makes clear that a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

In this instance, the storage containers are a short term storage solution until the finances for a longer term permanent solution is finalised. A period of three years is considered to be acceptable in this case.

It is noted that the guidance does make clear that it will rarely be justifiable to grant a second temporary permission. Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is also no presumption that a temporary grant of planning permission will then be granted permanently.

Visual amenity

Part 12 of the NPPF and policy DM1(A) of the South Tyneside LDF together seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities.

The applicant has confirmed that proposed shipping container 1 will be clad with vertical timber boarding (either Siberian Larch, Finnish Redwood or Douglas Fir). The site for container 1 is demarked by hedging to the rear and thus the proposals would be somewhat screened from longer views from the dwellings on the Maples estate to the west. Any views of the containers would be to a limited extent looking from the east, and on a localised basis within the immediate surroundings, but they would be seen in context of the existing playing pitches and other associated buildings on the wider site.

Container 2 would be sited to the south of the existing pavilion building and would be clad with composite cladding to match the colour of the pavilion building. This container would be seen in conjunction with other built development at the facility, and also visible from wider views, would not appear out of keeping.

In addition the application advises that the containers are only for a temporary period - in place until a Design and Build project is finalized, which could be for a period of 3 years (in the event of an approval this would be conditioned). Planning permission is usually only granted on a temporary basis for shipping containers as they are often used to address a short term storage need whilst a longer term solution is considered.

A comment has been made that container 1 would reduce the circulation space around the adjacent pitch. A gap of over 1.5 metres between the pitch and container would be retained which is considered to be sufficient.

It is therefore considered that although the containers are of no aesthetic merit, given the temporary nature of the consent and localised visual impacts, it would not result in any significant adverse visual impacts on the character of the wider surroundings to sustain a refusal of the application.

On balance, the proposals are not considered to be so incongruous or out of place in the wider setting to sustain a refusal of the application. The proposals are therefore considered to satisfy the provisions of policy DM1 (A) of the South Tyneside LDF and Part 12 of the NPPF in this regard.

Impact on neighbouring uses

Part 15 of the NPPF and policy DM1(B) of the LDF seeks to ensure a comprehensive and coordinated approach to new developments which take account of a sites natural and built features and the relationship to adjacent land uses and activities.

Of particular importance to the determination of the current application, is the impact of the proposed containers on the surrounding residential occupiers and their living conditions as commented on by a neighbour to the site.

Residential properties lie to the west of the site, Penrose Place, separated by intervening planting and footpath. Also further to the north, separated by Monkton Lane are further residential properties, with the residential properties on Marine Drive to the east.

Container 1 would be sited approximately 31 metres from the nearest neighbouring dwellings to the west, nos. 7- 10 Penrose Place. Glimpses of container 1 would be visible from these properties across the shared driveways and footpath through the boundary planting. However with a separation distance of approximately 31 metres, the container would not cause any loss of privacy, nor any overshadowing or overbearing impacts to these properties.

Container 2 would be sited to the south of the pavilion building, approximately 50 metres from the dwellings on Marine Drive. Given container 2's location, the proposals are not considered to be materially overbearing or overshadowing or result in any overlooking or loss of privacy, to the detriment of the amenity of adjoining/ nearby users occupiers to warrant a refusal of the application.

The proposals would be used in connection with the existing recreational and sporting use of the land and are not considered to lead to an intensification of the use giving rise to such material increases in noise or disturbance when considered in the context of the existing uses and the location of the application site.

To conclude the proposals are considered not to significantly harm the living conditions of nearby residents and take into account the relationship to adjacent land uses and activities in accordance with policy DM1(B) of the South Tyneside Local Development Framework.

Other matters

Matters relating to persons climbing on the containers and potential graffiti are not considered material planning considerations and would be dealt with by the police.

Comment stating that both containers can be situated at the clubhouse are noted however the application is for the siting of the containers in the positions shown in this application (and the application needs to be considered on that basis).

Comment has also been made that storage of goal posts is not required as there are already permanent. The applicant has confirmed that all items stored in the containers will be related to the sporting use of the pitches such as mini goals, training equipment etc.

Conclusion

The development is acceptable in principle and is not considered to have a detrimental visual impact on the character and appearance of the surrounding area and would have no adverse impact on residential amenity, or the availability/usability of the playing fields/pitches. As such, the development is considered to accord with Part 12 of the NPPF and policies DM1 (A and B) and SC6 of the South Tyneside Local Development Framework.

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

Conditions

1 Planning permission for the two storage containers is hereby granted for a time limited temporary period of 3 years, commencing from the date of this permission. Upon or prior to the expiry of 3 years from the date of this planning permission, the storage containers shall be permanently removed from the site and the land upon which the containers were sited shall be restored to its former condition.

Due to the appearance of the storage containers and localised visual impacts, they are not considered suitable for permanent retention in accordance Policy DM1 of the South Tyneside Local Development Framework and the NPPF.

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

Existing-Proposed Site Plan received 17/08/2023
Existing and Proposed South Elevation received 18/10/2023
Existing and Proposed East Elevation received 25/10/2023
Existing and Proposed West Elevation received 25/10/2023
Existing South and North Elevations received 25/10/2023
Proposed South and North Elevation received 25/10/2023

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 detailed within the submitted supporting statement and photo montages received 17/08/2023.

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

Informatives

1 ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

Case officer: Adam Williamson
Date: 15th December 2023

Authorised Signatory:
Date:

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