



South Tyneside Council

Reference:	250281
Location:	West Park Stanhope Road South Shields NE33 4BP
Ward:	West Park
Description:	Convert 4no. existing redundant tennis courts within West Park into a BMX pump track
Recommendation:	Grant Permission with Conditions
Case Officer:	Casey Scott
Case Officer Contact No.:	0191 4246780 or 07442 655446

Description of the Site

This application relates to West Park, located adjacent to Stanhope Road in South Shields. The site is allocated as open space, and the current use of the site is as redundant tennis courts. The information submitted with the application states that the current site has limited use given its dilapidated condition, and the surface of the tennis courts has deteriorated. Adjacent to the application site within the West Park there has been new tennis court facilities provided.

Description of the Proposal

As set out above, the application site is currently redundant tennis courts. The application seeks consent to convert the application site from tennis courts to a BMX pump track. The track will consist of rollers and bends to accommodate all rider levels, as well as a flat 'learn to ride' area for younger riders.

Information submitted with the application states that the conversion of the tennis courts has been approved and agreed with the Lawn Tennis Associated (LTA). As part of this agreement other tennis courts in the park have already been brought up to a good standard.

Relevant Planning History

The planning history of the site is as follows:

Reference: ST/01727/12/TPN

Description: Prior approval for the installation of a radio base station comprising a 15m slim-line streetworks column, supporting 3no. 2G/3G antennas, 3no. equipment cabinets and ancillary development

Decision: Grant permission with conditions 11.01.2013

Reference: ST/0705/01/LA

Description: Proposed erection of new war memorial within bowling green area

Decision: Grant permission with conditions

Reference: ST/0127/98/LA

Description: Proposed bowls club house

Decision: Grant permission with conditions

Reference: ST/0035/98/LA

Description: Proposed erection of security fencing around bowling green

Decision: Grant permission with conditions

Reference: ST/0602/85/LA

Description: Relocation of existing play hut to area edged in red adjacent to multi sports area

Decision: Development be implemented with conditions 19.08.1985

Reference: ST/0156/83/LA

Description: Proposed building for use as changing accommodation for existing 5 a side pitch

Decision: Development to be implemented with conditions 12.01.1984

Reference: ST/0724/82/LA

Description: Proposed floodlit kickabout area

Decision: Development to implemented with conditions 02.09.1982

Reference: ST/0245/81/LA

Description: Resiting and re-erection of hut for use as changing accommodation

Decision: Grant Permission with Conditions

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 23/07/2025.

Sport England

Sport England wishes to support the application.

The information submitted with the application does not clarify whether the improvements to the remaining courts has been undertaken. If it hasn't yet been undertaken we would welcome the inclusion of a Grampian style condition which ties this work to the loss of the redundant courts.

Case officer comment: work has already been undertaken to the tennis courts to ensure that there is tennis court provision within West Park. As such the recommended planning condition is not required.

Highways

No objection to the proposal subject to the imposition and implementation of a planning condition.

Environmental Protection

No comments.

Lead Local Flood Authority

To connect to the existing drainage system on the tennis courts would be acceptable, we have no further comments.

The Coal Authority

The Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application.

However, we note that the proposed BMX pump track would not appear to require significant groundworks or earthworks. The Coal Authority's Planning & Development Team therefore does not consider that a Coal Mining Risk Assessment is required to support the proposal in this particular case and we do not object to this planning application, subject to the inclusion of an advisory note on the decision.

Summary of Representations

1no. representations have been received in objection to the proposal. The issues raised are summarised as follows

- Concerns for antisocial behaviour as a result of the development
- Noise as a result of potential antisocial behaviour
- Concerns with traffic control along Stanhope Road

4no. representations have been received in support of the proposal. Included within the support for the application have been two comments of support received from Councillor Andrew Guy and Councillor Jim Yare. The issues raised are summarised as follows:

- BMX facilities as a positive addition to the facilitates at West Park.
- Anticipation that the facilities will be popular.
- Positive impact of BMX facilities upon West Park
- Development is in accordance with NPPF with respect of promoting healthy and safe communities and active travel.
- Proposal will broaden the park's sport offering and addresses an unmet demand for wheeled sports.
- Development reuses an area of existing hardstanding rather than development upon the grassed area of the parks.
- Development will formalise an already informal activity within the park, and as a result reduce conflict with pedestrians or car parks.

1no. representation has been received in the form of a general comment on the application. The issues raised as summarised as the following:

- No issue with the facility proposed, however concerns with respect of supervision for potential antisocial behaviour.

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 of 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 and a Site Specific Allocations Development Plan Document DPD 2012.

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

- ST1 Spatial Strategy for South Tyneside (Core Strategy)
- ST2 Sustainable Urban Living
- SC1 Creating Sustainable Urban Areas (Core Strategy)
- SC6 Providing for Recreational Open Space, Sports and Leisure
- EA1 Local Character and Distinctiveness
- DM1 Management of Development (DM DPD)

Other relevant documents include:

- South Tyneside Open Space Study 2023 (February 2023, updated June 2024)
- South Tyneside Playing Pitch and Outdoor Sports Strategy – Strategy and Action Plan (August 2024)

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 weight)
- Policy SP2 Strategy for Sustainable Development to meet an identifies need
- Policy SP3: Spatial Strategy for sustainable development (very limited weight)
- Policy 1: Promoting Healthy Communities (limited weight)
- Policy SP21: Natural Environment (significant weight)
- Policy SP22: Green Infrastructure (limited weight)
- Policy SP23: Sports Provision and Playing Pitches (very limited weight)
- Policy 35: Delivering Biodiversity Net Gain (limited weight)
- Policy 37: Protecting and enhancing Open Spaces (limited weight)
- Policy 47 Design Principles (very limited weight)

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 key issues in the assessment of this planning application are as follows:

- Principle of the development
- Design and visual impact
- Residential amenity
- Highway safety and drainage
- Biodiversity Net Gain

Principle of the development

The application site is allocated as open space. Policy SC6 of the Core Strategy sets out that: *'We will promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities by:*

- (a) implementing and supporting schemes that will protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the Borough, in accordance with our adopted standards and other relevant legislation.'*

Policy SP21 of the emerging Local Plan with respect of Natural Environment and open space, sets out that *'the protection and enhancement of the natural environment will be delivered by: ... 5. Providing new and maintaining existing high quality and accessible open space and green and blue infrastructure to create networks of green and blue spaces for people, flora and fauna and allow species adaptation and migration.'* At the current stage of the Local Plan, this policy is afforded significant weight.

South Tyneside's Open Space Study 2023 sets out that skateparks fall into place space (youth). With respect of BMX facilities across the county, this document identifies that there is a skate park at Temple Park in South Shields.

The proposal seeks consent to convert redundant tennis courts in West Park into a new BMX pump track. The open space assessment submitted with the application sets out that there has been an increase in demand for biking provision, in particular for BMX and mountain biking and that this facility would seek to serve an identified need with respect of open space that is not currently being met.

Information submitted with the application identifies that discussions have already been undertaken with Lawn Tennis Association (LTA) as part of their involvement in the South Tyneside Playing Pitch Strategy. As there are another 9no tennis courts adjacent to this area, which were in a useable condition, discussions included identifying the required improvements to those 9no courts which would allow the loss of the 4no courts for the BMX Pump Track, without being detrimental to the tennis provision in West Park. The applicant has confirmed during the course of the application that adjacent to the application site works have already been undertaken to upgrade the tennis courts that are to be retained. As such, the proposed development will not result in the loss of tennis court access within West Park and the tennis courts have already been re-provided within West Park.

Consultee comments have been received from Sports England with respect of this application. Their comments are set out earlier in the report and they identify that a Grampian condition could be required to ensure that the works to reinstate and maintain the tennis courts within West Park could be tied to this planning application. However, given the above that this work has already been undertaken, this condition is not required to make the proposal acceptable with respect of open space provision and facilities.

The South Tyneside Playing Pitch and Outdoor Sport Strategy, with respect of tennis supply, identifies that within its assessment of supply that *'it should be noted that while there were 65*

courts at the time of the assessment, in line with the recommendations of this strategy, work to upgrade courts at West Park has now been completed. Four courts have been repurposed for other sports, and the quality of the remainder have been improved'. The four courts which have been repurposed for other sports are the subject of this application. This document sets out that this development will 'facilitate the creation of a new facility for young people whilst at the same time enabling the improvement of the remaining courts.'

Furthermore, four comments of support have been received to the application including two comments from local councillors which identify that the BMX pump track in this location within West Park would make a positive contribution to the play space available within West Park.

On the basis of the above, the principle of the development is considered to be acceptable with respect of the development on allocated open space, in accordance with Policy SC6 of the Core Strategy and Policy 21 of the emerging Local Plan.

Design and visual impact

The existing tennis courts are finished with tarmac with fencing around the boundaries of the site. To facilitate the design, the new track would also have a tarmac service with grassed landscaping to the non-track areas. The plans submitted with the application demonstrate an asphalt riding surface with the site section to show how the site will accommodate the change in levels required for a BMX pump track.

The proposed development is acceptable with respect of design and it would not result in harm to the visual amenity of West Park. As such the proposal can be considered acceptable with respect of CS Policy DM1.

Residential Amenity

The existing use of the site is as open space for a sports use of redundant unused tennis courts and the new use of the site would also be open space for sports use for a BMX pump track within West Park. It is not considered likely that the impacts of the site would be that different from the use of the site as a tennis court.

Two objections have been received from local residents which raise concerns with respect of anti-social behaviour from the development and any noise concerns in light of this. At the closest point, the site would be within approximately 50m from the nearest residential property, but the site is broken up by mature trees and Stanhope Road.

The planning system is concerned with the use of the site and its impacts, rather than individual users of the site and how any potential impacts could result from the development. With respect of anti-social behaviour, this would be a matter for the police rather than for planning. With respect of noise, the site itself would not generate noise and it would be anticipated that any noise generated from the site would be similar to that of the previous tennis courts and to other open space uses within West Park.

As such, it is considered that the proposed development would not result in any unacceptable impacts with respect of residential amenity. The proposal is therefore considered acceptable with respect of CS Policy DM1.

Highway Safety and Drainage

To assess the highway safety impacts of the development, comments have been sought from South Tyneside Council's Highway Authority. They have assessed the details of the submitted application and consider that the development is acceptable subject to a condition for submission of a construction method statement prior to commencement of the development, which has been agreed with the applicant and added to this decision.

An objection to the development has been submitted which raises concerns with traffic control along Stanhope Road. Given the proposed development is compatible with open space, it is not considered likely that the development would lead to an increase in traffic to West Park beyond the previous use of the site as a tennis court.

With respect of drainage, it has been confirmed that the proposal would connect to the existing drainage system which existed for the tennis courts. This has been reviewed by the LLFA and they consider this acceptable and they raise no further comments to the proposal.

Therefore, the proposed development is considered acceptable with respect of highway safety and drainage in accordance with Policy DM1.

Biodiversity Net Gain

The proposal meets the exception to be biodiversity net gain exempt as the development would not impact a priority habitat which exceeds 25 square meters. Therefore, the proposal is excepted with respect of biodiversity and ecology, in line with Policy DM1.

Other Matters

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

Having regard for the above it is considered that the proposal would result in no significant harm with respect of design and visual impact, residential amenity, highway safety and drainage.

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:

Drg no OT-WPPT-002 Site plan – received 15.04.2025

Drg no OT-WPPT-003 Illustrated design and sections – received 15.04.2025

Drg no OT-WPPT-004 Design detail – received 15.04.2025

Drg no OT-WPPT-005 Pump track details – received 15.04.2025

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 materials to be used for the proposed development shall be as set out in the application form received 15.04.2025 and as demonstrated in the following plan: Drg no OT-WPPT-003 Illustrated design and sections – received 15.04.2025

To ensure a satisfactory standard of development in the interests of visual amenity and the preservation of the character of the listed building in accordance with policies DM1 of the South Tyneside Local Development Framework.

- 4 Construction Method Statement

Development shall not commence until a Construction Method Statement (CMS), together with a supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS and supporting plan, where applicable shall provide for:

- a) highway dilapidation / condition survey of the highway areas adjacent to and on the approaches to the site (with a highway representative present at the survey);
- b) details of temporary traffic management measures, temporary boundary treatments, segregated vehicular and pedestrian gates, visibility splays, temporary access routes and vehicles;
- c) vehicle cleaning facilities and/or measures to ensure that the public highway is cleansed of debris from the construction vehicles;
- d) the parking of vehicles of site operatives.
- e) the loading and unloading of plant and materials, including turning area facilities (proven by swept path analysis drawings);
- f) storage of plant and materials used in constructing the development;

- g) Details of the number of HGV movements daily, routing of vehicle to/from site and quantity of materials to be imported to site

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with South Tyneside LDF Policy DM1 and the NPPF.

Informatives

- 1 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).

- 2 The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? – <https://www.gov.uk/government/publications/permit-process/permit-process>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>.

Case officer: Casey Scott

Signed: C.Scott

Date: 18.08.2025

Authorised Signatory: Seán Gallagher

Date: 20/08/2025