South Tyneside Council

Reference:	260548
Location:	South Shields And Westoe Club,33 Dean Road,South Shields,NE33 4EA
Ward:	Westoe
Description:	Retention of existing temporary facilities for a period of 3 years including Male & Female WC's, disabled WC's, Tennis changing facility and timber screen fence.
Recommendation:	Grant Permission with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site and Proposal

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. The existing clubhouse suffered substantial storm damage at the end of 2021 which has resulted in the clubhouse, WC facilities and changing rooms being unusable.

Planning permission is sought for the retention of a 3 containers to provide temporary facilities at the club to continue to allow the club to open, and the retention of a screen fence.

To the east of the clubhouse, the 2 containers have been sited to provide WC provisions, and a container has been sited to the north of the tennis courts to provide changing facilities for users of the tennis courts. The containers are painted Olive Green. A 2 metre high timber fence has been erected along the northern boundary to screen the containers. A 3 year period for the retention of the structures has been applied for.

This application represents a resubmission of planning application ST/0762/23/FUL which granted a temporary consent for 3 years for the Retention of temporary facilities for a period of 3 years including male and female WCs, disabled WC, tea preparation, tennis changing facility and marquee. Erection of timber screen fence. This was approved on the 18/12/2023.

The applicant has stated that a further 3 years is required as further fundraising is still required to fund repairs to the storm damage.

Relevant Planning History

The planning history of the site is as follows:

ST/0471/16/FUL Retrospective consent sought for the change of use of the 'old tennis' court (unused) for the storage of caravans. Approved 20/12/2019.

ST/0306/23/FUL To upgrade the tennis court lights from 1000w halide bulb to LED heads. Approved 19/04/2024

ST/0762/23/FUL Retention of temporary facilities for a period of 3 years including male and female w.c.'s, disabled w.c., tea preparation, tennis changing facility and marquee. Erection of timber screen fence. Approved 18/12/2023.

ST/0182/24/FUL Change of use of first floor flat (C3) to community hall (F2). Bi folding doors and balcony to north elevation. Re render building. Approved 30/05/2024.

ST/0328/24/FUL Temporary Change of Use of sports ground to caravan and mobile home storage (3 Years). Approved 24/07/2024

Summary of Consultation Responses

N/A

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 South Tyneside Local Plan 2023-2040. Relevant policies and guidance are listed below:

- Policy SP1: Presumption in favour of Sustainable Development
- Policy 1: Promoting Healthy Communities
- Policy 25: Leisure and Tourism
- Policy 43: Development Affecting Designated Heritage Assets
- Policy 47 Design Principles
- SPD10: Westoe Conservation Area Management Plan

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 main considerations in assessing this case are:

- The principle of the development
- Temporary consent
- Impact upon the Conservation Area
- Impact on neighbouring uses

The principle of development

Local Plan Policy 25 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.

Policy HC7 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

Development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, 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 location which offers comparable or improved accessibility for the community it serves; or
c. The development is for public service infrastructure, and the resulting loss would be replaced by equivalent or better provision in terms of quantity and/or quality; or
d. The development is for alternative open space, sports and recreational buildings and land, the benefits of which clearly outweigh the loss of the current or former use.

The site is designated open space for outdoor sport in the South Tyneside Playing Pitch Strategy, however, none of the development to be retained is sited upon the designated playing pitch. 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.

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 to allow the club to reopen to raise funds to redevelop the damaged clubhouse and changing facilities. A further period of three years is considered to be acceptable in this case to allow further fund raising at the sports club.

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.

Impact upon the Conservation Area.

The proposed development site is within the Westoe Village Conservation Area; therefore regard must be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to assess the impact on the character, appearance and significance of the designated heritage asset.

NPPF part 20 advocates the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.

Local Plan Policy 47 seeks that new development must be designed to convey sensitive consideration of its surroundings and where possible enhance the local setting.

Loal Plan Policy 43 supports development that will protect, preserve and where possible enhance the historic environment.

SPD 10 sets out principles for development which states that the Council will only permit development in, or affecting the setting of, Westoe Village Conservation Area that protects, preserves and where possible enhances its character or appearance.

There is a cluster of listed buildings to the north east of the site along Westoe Village Road. The nearest of which is Westoe Terrace (Grade II) at approximately 90 metres to the north of the proposed site location. The remaining listed buildings are at a greater distance with two properties to the south measuring over 140 metres from the site location and a concentrated cluster to the east measuring approximately 180 metres to the nearest property.

Westoe Sports Grounds is the largest area of open space within Westoe Conservation Area. It includes rugby pitches, tennis courts, a cricket pitch, squash courts and ancillary buildings. The sports ground is a pivotal to the history of Westoe Village and contributes to its diversity of activities.

The Sports Grounds buildings are a mixture of old and new. Of note is the 1930's Pavilion House, which is a welcome addition to the streetscape. Less successful are the new clubhouse, the squash courts and associated car parking area. These buildings contribute little to the character of the area.

Views of the containers are not possible from wider public vantage points given the 2 metre high enclosures on Hartington Terrace to the west, and the combined high boundary wall and mature planting along Wood Terrace to the south. A 2 metre high close boarded fence has also been erected along the northern boundary to screen the containers from Dean Road. Given the developed setting of the wider site and pattern of development, the installation would always be viewed against a backdrop of development or in the wider context of the sports ground. Close range views of the marquee and containers would not be obtainable from public viewpoints as the site is set well within the sports club.

It is considered that the containers and marquee are utilitarian in their appearance. It is acknowledged that the site lies within the Westoe Village conservation area, and the structures are not prominent from wider public viewpoints. Given the temporary nature of the consent and localised visual impacts, it is considered that the proposal results in no harm upon the character of the wider conservation area given the site specific circumstances mentioned above.

Given all of the above, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is considered the siting of the proposal would be acceptable and would not harm the wider Westoe Village Conservation Area. 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 Local Plan policies 43 and 47, SPD10, and Part 20 of the NPPF in this regard.

Impact on neighbouring uses

Part 20 of the NPPF and policy 1 of the Local Plan 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 containers on the surrounding residential occupiers and their living conditions as commented on by a neighbour to the site.

Residential properties lie to the around the perimeter of the site. The containers have been placed on an area of existing car park to the east of the clubhouse building.

The containers are sited approximately 70 metres from the nearest neighbouring dwellings to the east, on Sunderland Road. Views of the containers and marquees would not be visible from these properties due to the intervening garage structures. However, with a separation distance of approximately 70 metres, the container would not cause any loss of privacy, nor any overshadowing or overbearing impacts to these properties as there would be no intervisibility.

The proposals would be used in connection with the existing recreational and sporting use of the land (for a temporary period) 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 1 of the Local Plan.

Conclusion

It is considered that the development has not resulted in harm to the setting and appearance of the Westoe Conservation Area. The proposal will assist in the continued operation of a community sporting facility to the benefit of local residents, and would only be a temporary arrangement for a period of up to 3 years. The proposal 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 the NPPF and policies Local Plan policies SP1, 1, 25, 43 and 47 and SPD10.

Furthermore, it should be noted that fencing that could be carried out as a permitted development.

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.

Recommendation

Grant Permission with Conditions

Conditions

1. Planning permission for the three 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 and shall be permanently removed from the site and the land upon which the containers were sited shall be restored to its former condition.

   The storage containers (due to their construction / appearance) are not considered suitable for permanent retention (and where a temporary planning permission has been sought in relation to them), in accordance Policies 1, 43, and 47 of the Local Plan 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 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

Case officer: Adam Williamson
Date: 23/09/2026

Authorised Signatory: *G. Simmonette*
Date: 23/09/2026