

Committee Report

Application No:	DC/21/00530/FUL
Case Officer	Rebecca Norman
Date Application Valid	27 April 2021
Applicant	Mrs Fiona Todd
Site:	Stargate Community Centre Stargate Lane Ryton NE40 3DX
Ward:	Ryton Crookhill And Stella
Proposal:	Erection of 1785mm high wooden panelled fence and gate to facilitate the change of use of public open space to private outdoor space for use by Stargate Community Centre (retrospective application) (revised description 27.05.2021)
Recommendation:	GARET
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF SITE**

The application relates to an area of land approximately 60sqm in size that is located to the northern side of Stargate Community Centre, Ryton.

1.2 The Community Centre is situated to the north western corner of an area of public open space to the eastern side of Hawthorne Gardens. The area of open space is approximately 1.4ha in size and comprises grassed playing fields and play equipment.

1.3 The site is situated within the Green Belt.

1.4 DESCRIPTION OF APPLICATION

The application seeks retrospective planning permission for the erection of a 1.8m high timber fence and gate to facilitate the change of use of a 60sqm area of the public open space to the northern side of the Community Centre to an area of private outdoor space.

1.5 The application states that the area would be used in association with activities at the Community Centre such as toddler groups and yoga. The application proposes that the access gates would be locked to prevent general public use of the fenced area and states that the area has previously been subject to issues of dog fouling and littering, which the proposed fence and prohibited public access would prevent from reoccurring.

1.6 RELEVANT PLANNING HISTORY

None relevant to this application

2.0 Consultation Responses:

None undertaken

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in The Town and Country Planning (Development Management Procedure) Order 2015.

3.2 A total of 29 letters of representation have been received, of which 5 object to the proposed development (including 4 representations from two households) and 24 are in support of the proposed development (including 14 representations from 7 households).

3.3 The 5no. letters of objection can be summarised as follows:

- Health concerns
- Personal safety concerns
- Overbearing impact
- Increased risk of vandalism and potential for anti-social behaviour to take place within the fenced area
- Loss of access point into park
- Loss of communal park/public land for private gain
- The fence blocks a Public Right of Way
- Traffic/highways issues
- Lack of consultation with local residents
- The area is being used as an informal tip/dumping ground by builders
- The land was gifted by the Coal Board for public use

3.4 The 24no. letters of support can be summarised as follows:

- Increased security/safety of Centre users
- The fence improves the appearance of the area
- The fence does not detract from the amenity of the Centre or local area
- Access remains to the field through the main gate
- The fence is of benefit as it creates a safe space for outdoor activities for users of the Community Centre
- The private outdoor space will be an asset to the Centre
- The area will provide protection from vandalism
- The fence has reduced litter/dog mess in the area
- The land was not previously used for anything except litter and the Council did not cut the grass
- The fence will allow the Centre to adhere to Covid/government guidelines

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP39 Protecting Open Space/Sport/Recreation

5.0 Assessment of the Proposal:

- 5.1 The main planning issues to be taken into consideration in the assessment of this application are the principle of the development, Green Belt, impacts upon visual amenity, impacts upon residential amenity, highway safety and access, CIL, and any other matters.
- 5.2 **THE PRINCIPLE OF THE DEVELOPMENT (LOSS OF OPEN SPACE)**
The application site forms part of a larger area of designated public open space around 1.4ha in size, of which around 60sqm would be lost as a result of the proposed development.
- 5.3 NPPF Paragraph 97 states that existing open space and recreational land should not be built on unless it is shown that the open space is surplus to requirements, or the lost open space 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.
- 5.4 Policy MSGP39 of the Local Plan for Gateshead states that development or change of use proposals that would result in the loss of open space will only be considered acceptable if the site can be demonstrated to be surplus to requirements subject to the criteria set out within MSGP39.1, or would be appropriately replaced.
- 5.5 In accordance with the criteria set out within MSGP39.1, the application site is located within the Ryton, Crookhill and Stella ward in which there is a sufficient supply of open space based on the recommended minimum standard for provision; there are other public open spaces within the maximum distance standard; and the open space to be lost is considered to be of low quality

when appraised against the benchmark quality standard set out in the Council's Open Space Assessment (2018).

- 5.6 Accordingly, the open space to which the application relates is considered by Officers to be surplus to requirements in accordance with Local Plan policy MSGP39 when assessed against the criteria set out at MSGP39.1. Officers therefore consider the loss of open space that would result from the proposed development to be acceptable in principle in accordance with the aims and objectives of the NPPF and policies CS18 and MSGP39 of the Local Plan for Gateshead.
- 5.7 **GREEN BELT**
The application site is situated within the Green Belt. Paragraph 133 of the NPPF states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*.
- 5.8 Paragraph 134 of the NPPF outlines the five purposes of the Green Belt. These are: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.9 Local Plan policy CS19 is in compliance with paragraph 134 of the NPPF and sets out purposes for including land in the Green Belt in Gateshead.
- 5.10 NPPF Paragraph 143 states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"* and requires LPAs to attach substantial weight to any harm to the Green Belt when considering planning applications.
- 5.11 Paragraph 145 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt however identifies specific exceptions to this, including:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- 5.12 Paragraph 146 of the NPPF also states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including:
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*

- 5.13 Officers consider that the proposed change of use of the public open space to private outdoor space for the Community Centre would preserve the openness of the Green Belt and would not conflict with its purposes; this would therefore not be inappropriate within the Green Belt by virtue of the provisions of NPPF Paragraph 146 e).
- 5.14 Officers further consider that the proposed fence, in facilitating the change of use to create a private outdoor space for the Community Centre, would represent an appropriate facility for outdoor recreation which would also preserve the openness of the Green Belt and would not conflict with its purposes; this would therefore also not be inappropriate within the Green Belt by virtue of the provisions of NPPF Paragraph 145 b).
- 5.15 Officers therefore consider that the development complies with NPPF paragraphs 134 and 143 to 147 (inclusive) and policy CS19 of the Local Plan for Gateshead and would not constitute inappropriate development in the Green Belt.
- 5.16 **IMPACT UPON VISUAL AMENITY**
Officers consider that the proposed development is acceptable in terms of appearance and scale and that the proposed fence does not represent an unduly prominent addition to the site or wider locality. The development is therefore considered acceptable in terms of impact upon the visual amenity of the site and surrounding area, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.17 **IMPACT UPON RESIDENTIAL AMENITY**
It is considered that the proposed development is acceptable in terms of impact upon the residential amenity and would not give rise to an unacceptable impact upon the living conditions of nearby occupiers, in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.18 **HIGHWAY SAFETY AND ACCESS**
It is considered that the proposed development would not have any impact upon the adopted public highway network.
- 5.19 The proposed development would result in the loss of an access point and route into the public open space along the northern side of the Community Centre. It is acknowledged that objections have been received to the application raising this matter and that this may be inconvenient to some users of the open space however as this route is not a designated Public Right of Way the loss of this would not be in conflict with national and local planning policy; furthermore members of the public would not be prevented from using the existing adjacent access point to the western side of the Community Centre, which would be unaffected by the proposed development.
- 5.20 The proposed development is therefore in accordance with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

- 5.21 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related.
- 5.22 **OTHER MATTERS**
One letter of objection received states that there was a lack of consultation with local residents on the proposed development. The Council advertised the application in accordance with relevant legislative requirements and it is considered that the level of publicity undertaken was sufficient.
- 5.23 Other issues raised in letters of representation including the current condition of the application site, the potential for vandalism and anti-social behaviour to take place within the fenced area, health and safety concerns, the requirement for the fence to ensure that the Community Centre is Covid compliant and the original gifting of the land by the Coal Board are not material planning issues and therefore cannot be taken into account in considering this application. Any limitations placed upon the use of the land by means of a covenant or similar restriction fall outside of the scope of the consideration of this application.
- 5.24 It is considered that all other material planning considerations have been addressed within the main body of the report.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted subject to conditions as the proposed development is considered to be acceptable in principle and would comply with the aims and objectives of the NPPF and the relevant policies of the Local Plan for Gateshead.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Site location plan (received by email 27.04.2021)

Site layout plan (received by email 26.04.2021)

Supporting information (Photos 1-3) (received by email dated 26.04.2021)

Supporting information (Photographs 1-5 of new fence) (received by email dated 10.04.2021)

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will

require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.



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