South Tyneside Council

Reference:	ST/0603/24/FUL
Location:	Hebburn Health Centre Campbell Park Road Hebburn NE31 2SP
Ward:	Monkton
Description:	Change of use of former health centre (Class E(e)) to incorporate respite sleeping care facilities for adults with severe disabilities to operate alongside a day centre/community respite service (overall mixed use - sui generis). Works to external staircase. Installation of lift shaft. External refurbishment.
Recommendation:	Grant Permission with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site

The application site consists of Hebburn Health Centre which has now closed. The building was used as a doctors surgery, with an attached pharmacy (which is still operational). The building forms an 'L' shape and is predominantly single storey, but has a two storey element to the southern part. The ground floor is faced with grey brick, with the 1st floor element rendered. Car parking is provided to the front and rear of the site. The site is surrounded by new build dwellings on Rother Close to the west and north, and Civic Street to the east.

Description of the Proposal

The buildings last use was as a doctors surgery (Class E use). Planning permission is sought for the change of use of the building to provide a day centre and community respite service (Sui Generis). The submitted planning statement states that the building would provide therapeutic and sensory treatments and environments for adults (age 18+) with profound, complex, multi-physical and learning disabilities.

The ground floor would include a 10 person swimming pool, sensory room, immersive room, therapy rooms, activity room, TV room, dining room, toilets and operational elements, including plant rooms, office, kitchen and laundry room. The first floor would include art and therapy rooms, assisted bathroom and toilets. The proposed sleeping respite care would operate from seven bedrooms on the ground floor.

The day centre and community respite service would operate daily between 9am-4pm. The hydrotherapy pool would be available to hire from 4pm to 7pm, with the focus of the use for clients with disabilities.

Once the development is fully operational, it is anticipated that the development would support approximately 20-22 new jobs (14 full time and 6-8 part time). Roles would include a service manager, support workers, nurse and cook/ cleaner. Daycare clients would be dropped off at the site and then collected at the end of the day, with the development providing the specialist care based on the needs of the individual client. Respite care would be provided for clients over a period of between 1 day to 4 weeks.

Externally it is proposed to remove a window and replacement with door on the front elevation, a new lift shaft, enclosure of the existing fire escape stairwell, a new car parking space to the front of the property, a new ramp to provide access to the swimming pool, sections of new 2.4 metre high boundary fencing to area of open space to the north and east (to match existing) and landscaping enhancements. Cycle parking is to be provided to the front of the site.

The existing pharmacy is operational Monday-Friday between 09:00-18:00. It is proposed that these operational days and hours are retained as part of the proposed development with the pharmacy continuing to serve the general public.

Relevant Planning History

The planning history of the site is as follows:

ST/1127/18/FUL: Car park alterations and extension to allow for an additional 22no. parking bays, granted 04/03/2019.

ST/1075/09/COND: Submission of conditions 2+3, 4, 5, 6 & 8 of approved planning application Ref ST/1738/08/FUL: Materials, floor levels, cycle racks, construction access, site cabins, material storage, employee's car parking and mobile plant, granted 29/07/2009.

ST/1738/08/FUL: Proposed alterations to existing health centre, relocation of entrance, insertion of roof lights and window surrounds. New cycle rack and landscaping. New boundary treatment, erection of new external bin store and rendered first floor and erection of plant compound to house air conditioning units, granted 16/12/2008.

ST/2142/08/ADV: Retrospective advertisement consent for construction site hoarding, granted 28/01/2009.

ST/0715/96/LA: Construction of footpaths to Health Centre, granted 17-09-1996.

ST/0681/95/DM: Proposed erection of steel framed entrance canopy with glazed roof, granted 11/09/95.

ST/0022/93/DM: Change of use from dental surgery to pharmacy/dispensary, granted 12/01/93.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 31/10/2024.

Transport Development Officer: The Transport Statement Addendum has been reviewed and provides details of a car parking beat survey undertaken recently in support of the application

and to establish car parking requirements for the retained pharmacy on site, which was omitted from the original submission. The details provided are generally acceptable and the Highway Authority would have no objections to the proposal.

To preserve the valuable parking provision for the day-to-day operation of the retained pharmacy on site and to avoid indiscriminate parking on the highway near the bend in the road, we would recommend that 8 parking spaces at the front of the pharmacy be designated specifically for their use. A suitably worded condition designating 8 parking spaces for pharmacy use is required to be included on any consent granted to avoid staff utilising the spaces prejudicing the effective and safe operation of the pharmacy facility. Other than pharmacy staff, it would be prudent to restrict the duration that a vehicle can be parked to ensure an effective turnaround of pharmacy use.

Environmental Protection (Contaminated Land): No objection.

Environmental Protection (as LLFA): No objections, however, could we please make the applicant aware of the Monkton Flood Alleviation Scheme we have carried out in the neighbouring area.

Northumbria Police (Designing Out Crime Officer): As the proposed development is to have a few different activities as well as persons residing in the building overnight, Northumbria Police would recommend that all of the communal areas including the corridors stairwells and exits, dining room as well as the pool area are covered by a good quality cctv system, it is also recommended that there is a member of staff who is able to operate the cctv system at the location 24/7.

This to allow the easy of identifying incidents and allow transparency to care and allow issues to be resolved quickly whether it be internally or in police involvement is needed.

The cctv also needs to cover the car park areas to cover the parked cars as well as the persons/vehicles using the area and to record if there are any issues which need reviewing or police involvement.

The door and window sets for the development are recommended to be replaced if they are damaged or in poor maintained. All of the windows if they are not already restricted these windows such have a window restrictors added.

Northumbria Police would recommend that for the entrance area that a second sliding door be place to create an airlock allowing the reception to see person entering the waiting area and should be only be able to be opened from behind the reception once they are satisfied that the person(s) are allowed into the building.

Northumbria Police would strongly recommend that the business have a missing plan as well as a statement of purpose so that if there are any issues with the customers these plans can be acted upon quickly and effectively as well as the policy in use within the building.

Mining Remediation Authority (The Coal Authority): When considering this particular proposal, the application is primarily for change of use of an existing building. There will be no operational development resulting from this proposal that materially intersects the ground and could therefore present risks to the coal mining features. Accordingly, we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

Summary of Representations

In terms of publicising this planning application, 173 neighbour notification letters were sent (and it was available online for comment).

In response to this publicity 4 letters of objection from 3 addresses have been received, the details of which are collectively summarised below.

- Will the company running the facility pay the service charge we pay for the upkeep of the area?
- Lack of parking
- Increase in noise
- What is the maximum number of clients?
- What are the range of disabilities?
- What are plans for client supervision?
- Is the site open 24/7? On weekends?
- Is there specific pick up and drop off times?
- By altering the predominantly residential nature of this area with a mixed-use facility, the proposal threatens to undermine the existing character of Hebburn.
- The facility that is likely to disrupt the residential environment and diminish the quality of life for local families.
- This neighbourhood already hosts Hebburn Court (an elderly care home), Keelman's Way (a special needs school), and Yellow Wellies (a day nursery), all within a five-minute walk of the proposed site. Adding another care facility would significantly alter the character of this family-focused, professional community, resulting in an overconcentration of care-related services. This would transform a quiet, family-oriented neighbourhood into an institutional zone, which is contrary to the area's current identity.
- Loss of privacy from respite bedrooms.
- With increased traffic due to staff, visitors, and clients, there are concerns that the proposed development may not meet these requirements, especially in an area that already experiences parking and access challenges.
- While some landscaping enhancements are proposed, the introduction of additional fencing and the reduction of green spaces could detract from the local natural environment, affecting biodiversity in the neighbourhood

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 Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007 and a Development Management Policies Development Plan Document (DPD) 2011.

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

ST1- Spatial Strategy for South Tyneside
SC1- Creating Sustainable Urban Areas
EA1- Local Character and Distinctiveness
EA3- Biodiversity and Geodiversity
EA5- Environmental Protection

A1- Improving Accessibility

The following LDF policies are also relevant to this planning application:

DM1- Management of Development
DM2- Safeguarding Employment Uses
DM7- Biodiversity and Geodiversity Sites
Site specific allocations proposal map

The following LDF Supplementary Planning Document (SPD) guidance is also relevant to this planning application:

SPD6 - Parking Standards

Although the Publication draft South Tyneside Local Plan is now at a more advanced stage of preparation having been subject to two statutory consultation periods, Borough Council decided on 5 September 2024 not to endorse submission of the Local Plan to the Secretary of State for Examination. As such only negligible weight can be afforded to relevant policies at this time and less weight than would have been afforded in the period between completion of the Regulation 19 consultation in March 2024 and prior to Borough Council's decision. For this reason, the report does not seek to identify specific policies from that 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 key issues in the assessment of this planning application are as follows:

- Principle of development
- Design and external appearance
- Residential amenity
- Highway safety/ parking
- Land Contamination and Stability

Principle of development

The car park to the front of the application site is included within the housing allocations set out under policy SA9 New Housing Opportunities. This does not include the actual building, just part of the existing car parking area to the front. This allocation has been built out under planning permission ST/0812/19/FUL for the development of 91 dwellings, and the area remaining of the allocation is only the parking area to the front of the building. As such this allocation does not affect the principle of this proposal.

Objection has been made that the proposal would undermine the residential nature of the surrounding area, and that the addition of a further care facility would significantly alter the character of this family-focused, professional community, resulting in an overconcentration of care-related services.

The application site is located within the residential framework of Hebburn and is reasonably well connected to shops, services and other facilities including public transport links. It is framed by built development to all sides which predominantly comprises of residential properties.

In light of the above the site represents a sustainable location capable of accommodating development of the type proposed in accordance with LDF Policy SC3 in this regard. This approach also displays a broad level of accordance with the aims of paragraph 96 of the NPPF which seeks to promote healthy communities and paragraph 110 which seeks to actively manage patterns of growth focussing development on areas which are or can be made, sustainable.

The proposed use provides important assistance to vulnerable adults within the locality and would be situated at a site which benefits from access to good level of local services and a range of transport modes. The location is therefore considered sustainable in this regard and there are no similar specialised services available within the area, particularly those which include access to the hydrotherapy pool and sensory rom, as a result, there is a high demand for the facilities that would be provided by the development.

Whilst the concerns from residents are noted, the principle of the development to provide a much-needed day centre and community respite service, including respite sleeping care facilities in a highly accessible and sustainable location therefore meets the requirements of LDF Core Strategy policies ST1 and SC1.

Design and External Appearance

Part 12 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.

Policy DM1(A) of the South Tyneside LDF seeks to ensure new development is appropriate for the surrounding area.

External alterations to the building are limited to the enclosure of an existing external staircase, reordering of fenestration/ door openings, re rendering the 1st floor, a new lift shaft, a new entrance ramp and new areas of boundary fencing.

The new 2400mm high boundary fencing would be located to the rear of the application site and would terminate at the rear carparking area. This fencing would be sited away from the neighbouring dwellings as it would be adjacent an area of open space.

The proposed site plan also indicates that a new car parking space would be provided to the front of the site, and the existing patio area to the rear of the site is to be re-laid.

The proposed external alterations are small in scale and would not be unduly prominent within the wider streetscene and would utilise materials to match the existing building. The proposed external alterations are therefore designed to convey sensitive consideration of its surroundings, and they are therefore considered to accord with LDF Policy DM1(A).

Residential amenity

The existing building is located within a predominantly residential area within the framework of Hebburn and as such is framed by residential dwellings to all sides.

NPPF paragraph 135(f) states that planning policies and decision should ensure that developments create places which promote health and wellbeing, with a high standard of amenity for existing and future users.

LDF DMP Policy DM1(B) states that in determining all applications the Council will ensure that, where relevant, the development is acceptable in relation to any impact on residential amenity.

Policy EA5 (A) requires the council to reduce levels of pollution and nuisance throughout the Borough.

The site has previously been used as a doctors surgery falling within Use Class E The Town and Country Planning (Use Classes) Order 1987 [as amended] (subsequently referred to as The Use Classes Order) without restriction.

The nearest residential properties are, no. 54 Rother Close, (which is approximately 7 metres to the southeast with its northwest gable wall facing the application site), and nos. 76 – 79 Rother Close, (which are located approximately 23 metres southwest of the building). To the west, the rear elevations of nos. 50- 51 Rother Close look towards the application site from approximately 13 metres. Objections have been received in respect of increased noise from comings and goings from users of the facility and that the facility that is likely to disrupt the residential environment and diminish the quality of life for local families.

Regarding potential impact from noise and disturbance, given the established use as a health centre, it is considered that the main difference, particularly as a result of the operating times, would be the inclusion of respite sleeping care. This would result in staff being on the site overnight. The day centre is proposed to operate between 9am until 4pm. As a result, the users of the service would arrive between 9am and 10am and would leave the centre between 3pm and 4pm. Those clients staying at the centre for respite care would arrive at different points during working hours, rather than in the evening. The hydrotherapy pool would be available to hire from 4pm to 7pm, with the focus of the use for clients with disabilities. The continued use of the premises as a doctors surgery would result in a number of short stay car-bourne visits to the site which would cause a similar level of disturbance as is proposed here from comings and goings.

Whilst the proximity of the nearest residential properties is noted there would have been a level of disturbance from the current permitted use of the site which is unrestricted and could recommence without the need for planning permission. It is also important to note what other uses could fall under class E and which could occupy the premises with unrestricted opening times such as a gym which is becoming a more common feature within town / local centres or in suitable sized buildings in other locations like the one subject to this application, and a number operate on a 24 hour basis. This would potentially create a movement of people in the evening and early hours of the day.

In this context it is not considered that the proposed mixed use would result in any unacceptable increase in disturbance in excess of that generated by the current permitted use as a doctors surgery.

Objections have been received that the proposal would lead to a loss of privacy to the occupiers of the surrounding dwellings. The South Tyneside LDF is silent on separation distances for new dwellings, however SPD9 states that in relation to household extensions, a reasonable outlook should be maintained from the habitable room windows of neighbouring properties and that separation distance of at least 14 metres should be achieved. It is acknowledged that SPD9 is a guidance document only and is aimed at existing dwellings that are being altered and extended. Nonetheless, the separation distances referred to are reasonable and commonly used in a range of proposals to assist in the preservation of neighbouring living conditions.

No extensions to the footprint of the existing building are proposed. To the rear elevation, existing windows would serve respite bedrooms 2 and 3 and a kitchen area. These windows would look onto the existing car park, and onto the western gable elevation of no. 1 Civic Street at a separation distance of over 23 metres.

To the southern elevation, existing openings would serve respite bedrooms 4- 7 and a manager's office, with a separation distance of approximately 14.5 metres from the north western side elevations of nos. 20 and 21 Civic Court, and approximately 7 metres from the northwestern elevation of 57 Rother Close (this gable is blank apart from a landing window which is not classed as a habitable room).

The separation between the host buildings and the front elevation of the dwellings to the southwest on Rother Close is a minimum of 23 metres extending to over 28 metres between the proposed pool, plant room, lobby area and TV room at ground floor and the proposed therapy room windows to the 1st floor.

The separation distances above do not take into account any boundary treatment which would help to screen ground floor windows to the side and rear boundaries would also help to obscure direct views. Regardless of this, the separation distances that the proposal would achieve would be in excess of the 14 metre distance quoted in SPD9, and given the separation distances the development would achieve, occupiers of neighbouring dwellings would not suffer a loss of privacy as a result of the proposed dwelling.

In terms of daylight/sunlight and visual intrusion impacts it is considered that acceptable separation distances are provided for between the application site and habitable room windows/doors in neighbouring dwellings around the application site and the proposal therefore accords with policy DM1 of the South Tyneside LDF in this respect.

Highway safety/ parking

Objections have been received relating to the detrimental impact the proposed change of use would have on parking in the area.

Policy A1 Improving Accessibility seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Parking standards will apply to new development, as set out in SPD6.

Policy DM1(G) Management of Development, seeks to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated, and the needs of all users are considered.

SPD6 Parking Standards - sets out the parking standards used in assessing proposals for new development. Due to the nature of the proposed development as a day centre and respite facility, there is no specific standard stated within the STC guidance. As such, the most relevant standards have to be assessed whilst also recognising the context of the site.

Due to the proposed nature of the site, the most appropriate category within the C2 classification set out within SPD6 is the parking standards for secure residential accommodation. The Transport Development Officer agreed with this approach.

There is no specific standard for the daycare aspect of the proposed development. The level of care provided at the site is specialist but for daycare visitors, the site operates in a similar manner as a children's day nursery purely in trip generation terms with visitors being dropped off and collected daily. Due to the specialist nature of the site/proposal the more flexible parking standards applied to nursery developments ensures that this is the most appropriate

for the proposed development. SPD6 identifies that for a C2 use, 1 space per resident plus 1 space per 3 staff on the premises to a maximum of 15 spaces, and for a D1 use, 1 space per 3 staff plus 1 space per 5 children (at 75% of this given the sites urban area location), to a maximum of 4 (excluding staff).

As the maximum staff on site at any one time will be 20, the staff car parking standards for the C2 use have been prioritised as it is more likely that staff working a night shift will drive to the site compared to those working within the daycare aspect. As such, the maximum car parking provision for the site is 19 car parking spaces. The minimum cycle parking requirement for the site is also considered to be 4 cycle parking spaces. There are already 10 cycle spaces provided to the front of the building by way of cycle hoops. Additional sheltered and secure bike storage is proposed to the front and rear of the proposed development. As such the proposal would exceed the minimum cycle parking requirement of 4 spaces (18 spaces would be provided in total).

It is proposed that both the rear and front car parking areas currently existing at the site are retained as part of the proposed development. The front car park currently accommodates 18 car parking spaces, of which 3 are designated accessible bays. The rear car park currently accommodates 14 parking bays of which 4 are designated as accessible. The rear bays are all surrounded by a hatched area ensuring additional space is provided for wheelchair access. The overall existing provision at the site is 32 car parking spaces, with 7 accessible spaces provided. The parking areas are accessed via different access routes, with the rear staff car park access via Civic Court to the east of the application site, and the front 'public' car park accessed from the front of the building via Rother Close. Given these access points it is highly unlikely that the public would use the rear car park given its convoluted access route which only provides access to the staff entrance.

It is proposed that the front car parking provision is increased to provide 19 car parking spaces, an increase of 1 space whilst the rear car park is retained as existing. Due to the nature of the proposed change of use, the retention of the existing car parking is deemed acceptable in highways terms with the addition of 1 additional parking space within the front car park being supported due to the nature of the visitors to the site and the additional needs of the visitors.

It is proposed that the rear car park is designated as a staff only car park with any overflow staff demand accommodated within the front car parking provision.

NPPF Paragraph 111 sets out that Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

NPPF Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The existing pharmacy is operational Monday-Friday between 09:00-18:00. It is proposed that these operational days and hours are retained as part of the proposed development with the pharmacy continuing to serve the general public. These opening hours are not subject to any planning controls so they could increase (or decrease) without the benefit of any further planning approvals.

It is proposed that the rear car park at the site, totalling 14 spaces, of which 4 are accessible, is retained as existing, and that this will be utilised by staff of the proposed development. It is

proposed that the parking provision at the front of the site is increased to provide a provision of 19 spaces, of which 3 will be accessible.

The submitted transport statement sets out that an analysis of 2011 Census data for the ward the site is located within for travel to work data was incorporated into the Transport Statement. The results of this demonstrated that 63% of staff were likely to access the site by private car, equating to 12 staff during the day shift. As the pharmacy is only operational during the day, the following assessment only utilised the predicted daytime staff parking demand.

Due to the car park to the rear of the site accommodating 4 accessible spaces, and it predicted that future staff will not require use of accessible spaces, it is likely that the staff parking demand will exceed the rear car parking provision with 2 staff vehicles unable to be accommodated within this provision. As such, these 2 vehicles will be accommodated within the parking provision to the front of this site and are therefore included within this assessment.

As set out in the Transport Statement, the car parking for visitors will be managed by staff with drop off and pick up times scheduled. This is in part due to the care required for certain visitors and the nature of the proposed development requiring an understanding of arrival and departure times for the visitors to the site. Based on this, and the potential needs of the visitors to the site, it is predicted that a maximum of 2 vehicles associated to the visitors at the site will be present at any one time. Based on the needs of the visitors to the site, it is likely that vehicles dropping off/picking up will utilise the accessible bays.

Based on this, the predicted parking demand at the site within the parking provision to the front is 2 vehicles associated to staff and 2 vehicles associated to visitors. This provides a total parking demand of 4 vehicles associated to the proposed development, leaving a further 15 parking spaces available. This cannot be reasonably conditioned through the planning process but allows an indication of how the use will operate.

The front parking will be shared between both occupiers (i.e. the pharmacy and respite facility) with management of both occupiers collaborating to ensure that the minimum number of spaces required for visitors to the proposed development are retained.

The Transport Development Officer is satisfied with the conclusions on the submitted transport assessment and additional technical note and has no objections to the proposal. The Transport Development Officer recommends that to preserve the parking provision for the day-to-day operation of the retained pharmacy on site and to avoid indiscriminate parking on the highway near the bend in the road, it is recommended that 8 parking spaces at the front of the pharmacy be designated specifically for their use.

The Transport Development Officer recommended that a suitably worded condition designating 8 parking spaces for pharmacy use is required to be included on any consent granted to avoid staff utilising the spaces prejudicing the effective and safe operation of the pharmacy facility. The proposed front parking bays are not on the adopted highway. The overall existing provision at the site is 32 car parking spaces, with 7 accessible spaces provided. Twelve spaces will be required for staff, with 2 having to use the parking to the front of the site. This would leave 17 spaces available at the front of the site and that would be within the adopted highway. At present parking at the front of the site is available for all vehicles to use with no restrictions. Given this, it is considered that the restriction of 8 spaces to the front of the site be exclusively used by users of the pharmacy including a restriction upon parking time duration by use of a planning condition would not be necessary to make the application acceptable in planning terms given the level of existing parking at the site, and therefore would not meet the tests set out within paragraph 57 of the NPPF. Notwithstanding this, owners of the site may impose such restrictions if they wished to do so.

The closest bus stops to the site are located approximately 140 metres to the north of the site on Victoria Road East, and 150 metres west of the site along Campbell Park Road. These bus stops are provided with timetable information and a shelter. Additional bus stops are located within an accessible distance of the site along the A185. These bus stops link the site with Sunderland, South Shields, and Newcastle.

SPD6 sets out that minimum cycle parking provision at the site for staff is 4 spaces. A sheltered and secure bike store is proposed to the front of the proposed development ensuring that staff are provided with an appropriate location to securely park their bicycle. A further 6 cycle parking stands will be provided at the front of the site to act as short stay cycle parking.

Overall, the proposals are considered acceptable in terms of transportation matters subject to conditions and accord with policy DM1 (G) and SPD6 in this regard.

Land Contamination and Stability

Paragraph 196 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Whilst the application is not supported by a Contaminated Land Screening Assessment the Council's Contaminated Land Section nevertheless confirms there is no requirement for intrusive on-site investigations or associated planning condition and in this regard the development is considered to accord with the aims of paragraph 196 of the NPPF.

Other matters

Comment has been made in respect of the impact the proposal would have upon biodiversity in the area. In terms of Biodiversity Net Gain, the area for the proposed parking space is already hardstanding (a hatched area), and the surface area of the proposed ramps are less than 25 sq. metres combined and would be sited on areas which are already hard surfaced. As such, the proposed development would not affect on site habitat. This would fall under de minimus exemption under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulation 2024. The proposed site plan does however illustrate that there are proposals to enhance the site – planning a new hedge to the northern boundary of the site, as well as planning a new tree and small section of hedge at the southern boundary, however this is not a planning requirement.

Comment has been made in respect of a service charge on the housing estate. This is not a material planning consideration.

Comment has been made asking that is the maximum number of clients that will use the facility. This is not a material planning consideration.

Comment has been made enquiring what are the range of disabilities. The service provided at the application site is for those who require a higher level of treatment and intervention to maintain and improve their physical and mental health needs. Clients include those with severe physical disability needs, such as: Jejunostomy Tubes, Hydrocephalus, Epilepsy and Blind Loop Syndrome.

Comment has been made asking what are plans for client supervision? This is not a material planning consideration.

Comment has been made enquiring whether the site is open 24/7? Or on weekends? The proposed change of use also includes respite care as well as day care for visitors depending upon individual requirements. The visitors to the site who only require the day care aspect will be dropped off and collected from the site daily. 8 bedrooms are proposed at the site and visitors who require respite care can stay for a length of time between 1 day to 4 weeks. These visitors are dropped off at the site on the commencement of their respite care and are then collected upon the conclusion of the respite care, which varies in length based on visitor needs.

Comment has been made asking if there are specific pick up and drop off times. Vehicle movements associated to the visitors of the proposed development will only be associated to drop-off and pick-up movements with no relatives or social visits permitted during the duration of a stay within the respite facility or daycare. This ensures that there will be no additional vehicle movements associated to the proposed development beyond the above drop-off and staff.

The comments from the Police Designing Out Crime are noted. However, these suggestions relate to the running of the facility such as CCTV provision and window restrictors are not necessary to make the proposal acceptable in planning terms. These matters would come under a different licensing regime.

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

In conclusion, the proposal would have no significant adverse impact the visual or residential amenity of the area, ecology, ground stability/ contamination, or highway safety in the area.

Consequently, the proposal would comply with all relevant local and national planning policy; the application is therefore 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

Proposed Site Plan Drg. No. DP(0)010 Rev. C received 24/01/2025
Proposed Plans and Ground Floor Layout Drg. No. DP(1)011 Rev. A received 06/12/2024
Proposed Plans and First Floor Layout Drg. No. DP(1)011 Rev. A received 06/12/2024
Proposed Elevations Drg. No. DP(2)010 Rev. A received 06/12/2024

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 on the approved plans below.

Proposed Elevations Drg. No. DP(2)010 Rev. A received 06/12/2024
Proposed Site Plan Drg. No. DP(0)010 received 06/12/2024

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.

4 Prior to the first use of the building hereby approved, the vehicle parking and cycle parking details shown on the Proposed Site Plan Drg. No. DP(0)010 Rev. C received 24/01/2025, shall be provided and made available within the site and shall be retained thereafter (so long as the development hereby permitted remains in use).

To ensure the provision of adequate bicycle parking in accordance with SPD6 of the South Tyneside LDF.

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 Coal Authority

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 form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

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? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

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: Mining Remediation Authority - GOV.UK

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Date: 24/01/2025

Authorised Signatory: *G. Simmonette*
Date: 27/01/2025