South Tyneside Council

Reference:	250393
Location:	128 Cheviot Road South Shields NE34 7ST
Ward:	Horsley Hill
Description:	Change of use from retail (Class E) to form part of 126 Cheviot Road. Change of use of open space to garden. Re render building, fenestration alterations, 2 no rooflights and erection of garden wall
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 a newsagents located on the corner of Cheviot Road, South Shields. The building is pebble dashed rendered and has a flat roof. Adjoined to the west of the building is no. 126 Cheviot Road which is a semi detached dwelling. To the north of the building is a detached block of 3 garages. The site lies in a predominantly residential area.

Description of the Proposal

Planning permission is sougght for the change of use from retail (Class E) to form part of 126 Cheviot Road by a new internal link doorway. The propsoal also seeks the change of use of open space to garden to the east of the building, to be enclosed by a 1200mm high wall with railings above. It is also proposed to re- render the building, make fenestration alterations, and insert 2 no rooflights.

Relevant Planning History

None

Summary of Consultation Responses

None

Summary of Representations

One letter of support has been 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 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 LDF policies are relevant to this planning application:

• DM1 – Management of Development (a, b, and g)

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

• Supplementary Planning Document 9 (Householder Development)

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 this 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.

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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)
• Policy 1: Promoting Healthy Communities (limited)
• Policy 47 Design Principles (very limited)

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 host property is not allocated in the South Tyneside LDF as a retail unit, nor does it lie in a local or neighbourhood centre. The proposal would form additional living accommodation for no. 126 Cheviot Road, and as such the proposal is considered acceptable in principle. The proposed change of use would not result in the loss of an important retail function as there are various other commercial units within close proximity and walking distance to the site on Highfield Road to serve local need.

The external appearance of the building would remain largely unchanged save for minor fenestration alterations ensuring the building would remain in keeping with the surrounding area, and removal of signage that would no longer be needed.

There would be no other external extensions to the host property as a result of the change of use therefore the occupiers of neighbouring dwellings would not suffer any overbearing, overshadowing, or loss of privacy as a result of the development.

It is considered that the occupiers of adjacent properties would not suffer any loss of amenity or traffic generation as the property would form an extension to an existing residential unit.

In respect of the proposed curtilage extension, there could be ‘stopping up’ implications, as the proposed wall enclosure would enclose land which currently has the appearance of part of the public realm, and where it can be walked over without hinderance (and where that has been able to take place for a considerable period of time- more than 20 years based on council aerial GIS imagery and also imagery available on Google street view). An informative is therefore suggested in relation to obtaining a ‘stopping up’ order, which has a separate legal process to that applies after the grant of planning permission. The provision of a 1200mm high wall and railing boundary treatment would not appear alien within the wider street scene.

The applicant has stated the site as a ‘de minimus’ exemption in terms of Biodiversity Net Gain. It is noted the application site is comprised entirely of building or hardstanding. There is no habitat on the site impacted by the development proposed. It is therefore considered the exemption applies and with no Biodiversity Gain Plan required before development commences. This would fall under de minimus exemption under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulation 2024.

Given the above it is considered that the scheme accords with policies DM1 (a, b, and g) and the guidance contained in with SPD9 of the South Tyneside Local Development Framework. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

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. 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

Existing and Proposed Elevations and Plans Drg No A-3790-01 received 24/06/2025

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 external surfaces of the development hereby permitted shall be as detailed on the approved plans below.

Existing and Proposed Elevations and Plans Drg No A-3790-01 received 24/06/2025

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

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

3 NOTE TO APPLICANT
Prior to starting work on this development, you are advised that the area of highway (footway) within your development MUST be formally stopped up. This process can take up to six months and it is the responsibility of the applicant to seek this stopping up. This can be achieved by contacting the National Transport Casework Team.

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Email nationalcasework@dft.gov.uk

The application form and guidance notes can be found here https://www.gov.uk/guidance/apply-to-close-or-divert-a-highway

Failure to achieve the necessary Stopping Up order prior to development commencing may result in prosecution under the Highways Act 1980.

Case officer: Adam Williamson
Date: 21/08/2025

Authorised Signatory: *G. Simmonette*
Date: 21/08/2025