



South Tyneside Council

Reference:	250510
Location:	39 Fenwick Avenue South Shields NE34 9AJ
Ward:	Simonside and Rekendyke
Description:	Change of use from C3 dwellinghouse to C2 residential use for people who require care and support.
Recommendation:	Grant Permission with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

This application relates to 39 Fenwick Avenue; a semi-detached dwelling located on a corner plot in a residential area of South Shields. The property benefits from a driveway to the side for off-street parking with a sizeable, graveled area next to the driveway. The property is located just off Wenlock Road at the beginning of the housing estate. Adjoining the dwelling is a single storey building occupied by a hair and beauty salon.

Description of the Proposal

The application seeks planning permission for the change of use of the property from a Use Class C3 dwellinghouse to a Use Class C2 residential use for people who require care and support. No external alterations are proposed as part of this application.

The submission states that the existing 6 bedroom residential dwelling would be converted to 5 bedrooms with each of these having an en-suite / private shower room or bathroom. The accommodation would support single women aged 18 to 80. It is proposed that 3 full-time and 3 part-time staff would provide care to residents.

Relevant Planning History

The planning history of the site references several previous planning applications regarding conversion of the property from a bungalow to a house. These are not considered of relevance to this current application.

In 2015 an application for a 1.8m high fence and to widen the driveway was refused by the Local Planning Authority (ref: ST/0741/15/HFUL). A subsequent appeal was dismissed by the Planning Inspectorate in 2016 (ref: APP/A4520/D/16/3143588). Subsequent to that appeal decision the landowner modified the fencing to reduce its height adjacent to the Fenwick Avenue/Cloister Avenue junction and it was decided by the Council that whilst planning permission was still required from the Council for the fencing as modified that it would not be expedient to pursue formal planning enforcement action in respect of this breach as the fence as modified was now considered to be acceptable in visual terms.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 10/10/2025.

Community Safety Team –

No crime and disorder issues with this proposal

Highway Authority -

The details of the application have been examined and are considered acceptable; the Highway Authority therefore has no objections to the proposal

Environmental Protection (Land Contamination) -

No comments in relation to land contamination

Lead Local Flood Authority -

We have no comments to make from a flood risk or drainage perspective.

We do not have any knowledge of a history of flooding at the proposed development site.

The proposed development is considered to be at very low risk of flooding from surface water, identified in the Environment Agency's flood risk maps

Environmental Health (noise/disturbance) –

I do not believe that this application constitutes a breach of planning policy with regards to potential impact on residential amenity due to noise.

The proposed change of use from a single dwelling (C3) to a residential institution (C2) for individuals requiring 24/7 care does not, in itself, represent a material intensification of use that would give rise to unacceptable noise impacts.

- Residential Character Maintained: The C2 use remains residential in nature. Occupants will reside at the property as their home, supported by care staff. This is not a commercial or high-traffic use, and there is no evidence to indicate that the change of use will result in higher noise levels.
- No External Alterations: The application does not propose any external changes or additions (e.g., plant, equipment, or communal outdoor areas) that would increase noise emissions.
- No Evidence of Harmful Noise: There is no technical evidence or site-specific context to suggest that the proposed use would result in noise levels that breach planning thresholds or cause harm to neighbouring amenity.

Should any noise complaints arise following occupation, these can be investigated under the Environmental Protection Act 1990. The Council retains enforcement powers to address any substantiated statutory nuisance.

Designing out Crime Officer -

Northumbria Police understand the necessity for this supported accommodation to service vulnerable persons in the South Tyneside area.

As the dwelling is going to house vulnerable persons there is a chance of conflict between the residents and unwanted persons that come to the address, from this we would recommend that the exterior of the building has an enhanced level of CCTV and to cover both the front and rear reducing as much as possible any blind spots in the coverage also the CCTV should have an audio facility. We would also recommend that the inside of the main doors also have coverage. This is recommended to reduce as much as possible conflict within the home and if there are issues any incidents can be quickly resolved, also to ensure any unwanted person attending the home can be recorded and if criminality occurs it can be quickly investigated and

resolved as well as reducing the amount of time the police need to attend or remain at the address. We would request that this is conditioned.

We would request that a Management Plan for the day to day operation is produced and submitted prior to approval of the application.

From the plan there is no area for the support staff to work within the building and it is recommended that staff have a safe place to do paper work and store personal belongings within the building.

Each bedroom door is recommended to have a good quality lock to the standard of 3 diamond.

Waste – No comments received

Summary of Representations

17no. comments were received in support of the application summarising that we need to help and support those who need support and care in our community.

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

Property Depreciation –

- Residents will be affected by proxy of new facility and the risks that come with it, house insurance, car insurance, council tax will surely spike.

Safety of Nearby Residents –

- Property is very close to a school and many walk past the property to take their children to school.
- Being so close to children raises significant safeguarding and safety concerns.
- Children are easily influenced and will possibly adopt behaviours seen by such individuals.

Anti-Social Behaviour –

- Currently a low-crime area.
- Noise disturbance and anti-social behaviour will be created.
- Noise, from visitors to the proposed changing lives building, deliveries, staff change. A house with multiple people living in it will generate more noise and noise transfer into my street.
- Changing Lives have other establishments in the area that have a lot of problems with antisocial behaviour/ disturbances which will impact this residential area.

Impact on the Character of the Local Area –

- Currently a family friendly community. The proposal will lower the tone of the estate.
- The proposal will deter families from moving to the area.
- Do not believe the Changing Lives care and support facility will represent a worthwhile or positive contribution to the well-established, family-centred community.
- Changing the use of this home would alter the character of the area, replacing a settled family residence with a transient use. This would reduce community cohesion, increase local concerns about noise, visitors, and antisocial behaviour, and damage residential amenity.

Demographic of the proposed occupants -

- Against the plans to make 39 Fenwick Avenue an HMO and fill it with immigrants and drug addicts in a residential area.
- Oppose the application - don't want immigrants moved into the area especially right next to a school.
- It is across the road from a school and believe in the future it may be used for illegal immigrants.

Highway Safety –

- The development will create extra vehicle movements from staff, carers, and visitors.
- On-street parking on Fenwick Avenue is already limited, and this will worsen congestion and road safety.
- Any additional cars will exacerbate an already difficult parking situation in the immediate area surrounding the property.
- The property sits at a junction on the only road in and out of the estate, which already experiences heavy traffic from residents, GP visitors and school runs.
- Accidents already occurred in this area due to congestion caused by the lack of parking for the metro, church, school and GP.
- Questions regarding the status of the land directly in front of the hair salon (no. 41) were raised.
- Inadequate assessment of impacts on adopted frontage, sightlines/junction proximity, pedestrian safety/public use, access and parking demand, cumulative impact with proposed works at No.41 Fenwick Avenue, CCTV and fencing works and in terms of precedent/consistency issues related to 2015 appeal concerning fencing to the property boundary.

Procedural matters –

- Determination of the application should be paused until various resident concerns re procedural matters related to consideration of EIR requests, pre-application advice given and allegations that such advice has not been fully disclosed, alleged officer bias and all relevant issues not having been assessed have been considered further.
- Application should be decided by Planning Committee not by officers under delegated powers

Officer comments –

- Property value and depreciation is not a planning matter.
- The proposal is not for a HMO (either C4 or Sui Generis use), it is for a C2 – care facility.
- The proposal only relates to no. 39 (the residential dwelling) and not no. 41 the hair salon.
- No fencing is proposed as part of the application.
- In terms of the various procedural matters highlighted, officers are of the view that they do not amount either individually, or cumulatively, to matters which require determination of the application to be paused or referred to Planning Committee for a decision.

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 are relevant to this planning application:

- DM1 - Management of Development
- LDF CS A1 – Improving Accessibility
- LDF CS SC1 - Creating Sustainable Urban Areas
- LDF CS SC3 - Sustainable Housing Provision
- LDF CS SC4 - Housing Needs, Mix and Affordability
- LDF CS ST1- Spatial Strategy for South Tyneside
- LDF CS ST2 - Sustainable Urban Living

The following guidance is also relevant to this planning application:

- SPD6 - Parking Standards

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, it is considered that the Policies in the Plan cannot be afforded significant weight. The following Policies, whilst not appraised in detail in the assessment, are considered relevant:

- LP Policy SP1 - Presumption in favour of Sustainable Development (Limited)
- LP Policy SP26 - Delivering sustainable transport (Very Limited)
- LP Policy 1 - Promoting healthy communities (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.

The following paragraphs of the NPPF are relevant to this planning application:

- Paragraph 11
- Paragraph 63
- Paragraph 96
- Paragraph 98
- Paragraph 115
- Paragraph 125
- Paragraph 135

Assessment

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

- Principle of the development
- Security, safety of the local community, crime and anti-social behavior
- Residential amenity
- Highways and parking
- Other matters

Principle of Development

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and sets out that Local Planning Authorities should approve development proposals that accord with an up-to-date development plan without delay.

Policy SC1 of the Core Strategy seeks to deliver sustainable communities by focusing and promoting development proposals within the built-up areas. Given the site's location within the urban area, it would accord with Policy SC1 in this regard.

Policy SC3 of the Core Strategy states that sustainable residential communities will be created and promoted by renovating and improving the Borough's existing housing stock where sustainable and viable to do so, and enhancing the surrounding residential environment, to meet local housing market needs.

Policy SC4 of the Core Strategy states that a range and choice of good quality, energy-efficient and affordable homes will be provided for all. Creating a more balanced mix of tenure and housing types, focusing primarily on ensuring that housing meets the requirements of special needs groups where there is a genuine and proven need and demand.

Policy ST1 of the Core Strategy sets out the spatial strategy for South Tyneside and seeks to maximise the re-use of previously developed land, in the built-up areas. This proposed development would be a re-use of an existing C3 dwellinghouse and as such would accord with Policy ST1 in this regard.

Paragraph 63 of the NPPF (2024) states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes...'.

Paragraph 96 of the NPPF (2024) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

The application seeks to convert the existing 6 bed Use Class C3 dwelling to a 5 bed Use Class C2 care facility for people who require care and support. Use Class C2 'Residential Institutions' of the Town and Country Planning (Use Classes) Order 1987 (as amended) includes the following uses:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses));
- Use as a hospital or nursing home;
- Use as a residential school, college or training centre.

Use Class C3, as referenced above covers 'Use as a dwellinghouse' (whether or not as a sole or main residence) by:

- a) a single person or by people to be regarded as forming a single household;
- b) not more than six residents living together as a single household (where care is provided for residents)
- c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The application site has therefore most recently been used as a Use Class C3 dwelling house and the proposed use for people who require care and support (Use Class C2) would continue to retain the use of the property as residential accommodation. Externally, the appearance of the property would not alter and it would maintain its residential appearance and character within this residential area.

The application seeks consent to change the current use of the property from one form of residential use, a dwellinghouse (Use Class C3) to another form of residential use, a residential institution (Use Class C2). As set out above, the C2 Use Class comprises uses for the provision of residential accommodation and care to people in need of care. Care is defined by the Registered Homes Act 1984 legislation as '*personal care for people in need by reason of old age, disablement, mental disorder, or alcohol and drug dependence.*'

A C2 use is a form of residential use, and is not, as a matter of general planning land use principles, considered to be an inappropriate use within a locality such as that surrounding the application site which predominantly hosts residential properties.

The NPPF at paragraph 63 supports a mix of housing type and tenure and to promote healthy, inclusive and safe places which promotes social interaction, including for meetings between people who might not otherwise come into contact with each other and it is considered that the proposed development would accord with the aims of this paragraph. The overall development would also accord with Policy 135 (f) of the NPPF in terms of creating a safe, inclusive and accessible development which would promote the health and wellbeing of its residents. Policy SC4 of the Core Strategy also supports a balanced mix of tenure and housing types and seeks to ensure that housing meets the requirements of special needs groups where there is a genuine and proven need and demand. The Council's Public Health team have advised that this proposed development would meet a specific requirement of a special needs group following the closure of another facility that meets the needs of the same group in the Borough and therefore would accord with Policy SC4 in this regard. Policy SC3 promotes renovating and improving the Borough's housing stock. Whilst it is noted that the proposal would result in and constitute the loss of a C3 dwellinghouse, it is considered that this would not result in significant harm to the housing mix and availability of dwellings in the area. Indeed, it is considered that the proposal would contribute to providing a balanced mix of housing in accordance with Policy SC4 and would assist in meeting particular housing

needs and provide a range of housing types which is supported by the NPPF at paragraph 63, including the development of housing-with-care.

Policy A1 of the Core Strategy seeks to support public transport, walking and cycling initiatives that maximise the accessibility of new development. The application site is located within the built-up area of South Shields. The site is located within a predominantly residential area and is in close proximity to local facilities, including shops, schools and a local park with a bus stop in easy walking distance of the application site. Simonside Metro station is also located approximately 40m from the site and provides services every 12 minutes to South Shields and to Gateshead, Newcastle and beyond. The site has good connectivity to the strategic highway network across the borough via Fenwick Avenue and Wenlock Road which leads to Newcastle Road. In terms of walking routes in the area, these are primarily alongside busy roads which are well lit. It is considered that due to the sustainable location of the site, this would be an appropriate location to accommodate future residents and would be in accordance with the aims of paragraph 96 of the NPPF with regards to being safe and accessible, and paragraph 115 of the NPPF which promotes sustainable transport and seeks to ensure that safe and suitable access to the site can be achieved for all users. The proposed development would also accord with the aims of Policy A1 as set out above.

In conclusion, it is considered that the principle of change of use from C3 to C2 would be acceptable as the property would remain as a residential use in a residential area which is in a sustainable location and would provide good access to amenities and facilities and is considered to comply with LDF Policies A1, SC1, SC3, SC4 and ST1, and the NPPF with regard to these considerations.

Security, Safety of the Local Community, Crime and Anti-social Behavior

NPPF paragraph 96 (b) in promoting healthy, inclusive and safe communities states that 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...' paragraph 135 of the NPPF sets out that planning decisions should ensure that developments... (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. South Tyneside LDF policy ST2 (F) seeks to provide high quality in sustainable urban living and in doing this seeks to ensure that the need to design out crime and fear of crime has been addressed.

The accommodation would support single women aged 18 to 80 and would be operated and managed by the 'Changing Lives' charity.

The Community Safety Team was consulted on this application and commented that there are no crime and disorder issues with this proposal.

A number of comments were received from residents stating that the area currently has a low level of crime and that anti-social behaviour will occur as a result of the development, however no evidence has been provided that this would occur as a result of the proposed C2 residential use within a residential area.

The Northumbria Police Designing Out Crime Team were also consulted on this application and commented that as the property is proposed to house vulnerable people there is a chance of conflict between the residents and unwanted persons coming to the address, and given this they would recommend that the property has an enhanced level of CCTV, so that if any conflict arises, then the CCTV can assist in quickly resolved any issues arising. They also request that a Management Plan is produced for the day to day operation of the premises and

submitted prior to approval of the application, that staff have a safe place to do paperwork and store personal belongings within the building and that each bedroom door is recommended to have a good quality lock to the standard of 3 diamond.

The comments of Northumbria Police are noted, however no evidence of crime in the area or any crime which may occur from the proposed C2 use within this area has been provided by Northumbria Police. Furthermore, as set out above, a C2 use is a form of residential use, and is not, as a matter of general planning land use principles, considered to be an inappropriate use within a locality such as that surrounding the application site which predominantly hosts residential properties. As this is a small scale residential development it is not considered appropriate and proportionate in planning terms given the scale of the proposed development to require the submission and implementation of a management plan. Notwithstanding this, the development would be staffed 24/7 and as such the on-site staff would be able to monitor activity on site and ensure minimal disruption to the surrounding area from residents. Furthermore it is proposed the facility would be operated by the 'Changing Lives' charity and the residents would be referred to the facility by the Council's Public Health team and in this way the selection of residents can be appropriately managed. The applicant has confirmed that the development would be covered by CCTV and that the locks to bedroom doors would be to 3 Diamond standard. Furthermore, whilst it is not for the planning system to consider day to day operational matters, and as set out above it would not be proportionate for the planning system to require the submission of a management plan, the applicant has confirmed that the property would indeed have a management plan regarding its operation. The applicant has also confirmed, in response to Northumbria Police's comments, that the dining room area as labelled on the submitted plans would be available as a staff office. Details of CCTV provision could be secured by means of a planning condition.

Having regard to the above it is therefore considered, on balance, that the proposal is acceptable and would not result in an increase in crime and anti-social behaviour in the area. Overall, the proposal is considered to accord with the NPPF and LDF Policy ST2 (F).

Residential Amenity

Policy DM1 (B) seeks to ensure that development is designed to convey sensitive consideration of its surroundings and is acceptable in relation to any impact on residential amenity.

A number of objections were received to this application stating that the proposal would lower the tone of the estate, it would alter the character of the area, reduce community cohesion and damage residential amenity. Comments were also made regarding the additional noise created by either residents or the carers swapping shifts which would disrupt local residents.

It is considered that there would be no harm to residential amenity in terms of the built form, including in terms of loss of outlook, overdominance, overshadowing or loss of privacy. There would be no harm to the visual amenity of the area.

In terms of internal noise and any noise from use of the external gardens, it is considered that the proposed use would not be substantially different to the current lawful use of the property, where residents of a dwellinghouse could generate noise both inside and outside the property. Given the residential nature of the surrounding area, it is considered that there would be no significant harm in terms of noise for future residents. The Environmental Health team raise no concerns with regard to potential impact on residential amenity due to noise and disturbance and no mitigation measures such as acoustic fencing have been sought by them in this regard.

The proposed change of use from a single dwelling (C3) to a residential institution (C2) for individuals requiring 24/7 care would not, in itself, represent a material intensification of use that would give rise to unacceptable noise impacts. The C2 use would remain residential in nature. Occupants would reside at the property as their home, supported by care staff. This would not be a commercial or high-traffic use, and there is no evidence to indicate that the change of use would result in higher noise levels, no external alterations or additions are proposed that would increase noise emissions and there is no technical evidence or site-specific context to suggest that the proposed use would result in noise levels that breach planning thresholds or cause harm to neighbouring amenity. If any noise issues/complaints arose following occupation, these could be investigated under the Environmental Protection Act 1990. The Council retains enforcement powers to address any substantiated statutory nuisance.

In view of the above and on balance, it is considered that the proposal would not result in any significant impacts to residential amenity that would warrant refusal of planning permission, and it is therefore considered that the proposal would accord with LDF Policy DM1(B).

Highways and Parking

LDF Policy DM1 (G) seeks to preserve highway safety.

South Tyneside Council's Supplementary Planning Guidance document SPD6 – Parking Standards identifies a maximum standard for development, and in respect of a residential institution, SPD6 states that there should be 1 space per 2 staff plus 1 visitor space per 10 residents.

The submitted application form states that there are currently 4/5 vehicles used at the property and that there would be up to 4/5 vehicles used at the property as a C2 use. The application form also states that there would be a total of 6 employees, 3 full time and 3 part time, however not all 6 staff would be present at the property at the same time.

Given the above, the development would require a maximum of 4 car parking spaces based upon SPD6 standards.

A number of the objections received reference existing parking issues and potential further parking issues in this area that the proposed C2 use could create. The property hosts a garage and a driveway within its curtilage measuring 19m long which would fit at least 3 no. vehicles at any one time. Furthermore, there are no parking restrictions on Fenwick Avenue directly to the front of the property and on surrounding roads.

It should also be noted that the property is located within a sustainable location with access to public transport; bus stops and a metro station are located in close proximity. Staff members and visitors would therefore have access to the property via a choice of means of transport.

The Highway Authority has no objections to the proposal.

It is considered that the proposal would not generate a level of parking demand significantly different to the existing lawful dwelling use and that the existing layout would be acceptable given the residential care facility use proposed. Whilst there would be a shortfall of 1 no. car parking space with regard to SPD6 standards, it should be noted that these are maximum standards and that no minimum car parking standards have been set out. Furthermore, as set out above the site is located within a highly sustainable area and as set out above there is ample on street parking in the area. It is therefore considered that the level of in curtilage car parking that would be provided is acceptable.

SPD6 states that in respect of cycle provision, there should be 1 cycle space per 5 staff. As such, the property would need to accommodate parking for 2 cycles. It is considered that there would be sufficient space within the curtilage of the property to accommodate cycle parking.

In view of the above, and notwithstanding the concerns raised, it is considered that the proposal would not give rise to significant highway safety concerns. In coming to this view consideration has been given to the fact that the scheme is unlikely to generate significantly more vehicular movements to and from the premises than would be generated from the lawful use of the property as a dwelling. As such, it is considered that the proposed development is in accordance with LDF Policies A1 and DM1 (G).

Other Matters

The Council's Waste team were consulted on this application however no response was received. The agent confirmed by email that the existing bin storage is adjacent to the garage, if extra bins are required they would be stored in the same area and that they would be prepared to erect a wooden fence to make a storage area so that they are hidden from view. The existing bin storage area is considered to be acceptable and should the applicant wish to erect a wooden fence then planning permission may be required depending on the details of the fence. However this does not form part of this planning proposal and would be the subject of a future application if required.

The Council's Environmental Protection Team were consulted on this application and advised they had no comments to make in relation to land contamination.

The Lead Local Flood Authority were consulted on this application who advised they have no comments to make from a flood risk or drainage perspective. There is also no history of flooding at this property and it is considered to be at low risk of flooding.

Conclusion

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.

Having regard to all of the above, it is considered that the proposal would not give rise to demonstrable harm in terms of impacts upon the character of the area, the amenity of neighbouring residents or highway safety. In accordance with the views of the Police it is considered that concerns around crime and anti-social behaviour can be addressed through the installation of CCTV at the property and appropriate property management, although the latter is not considered to be matter of significance in planning terms given the small scale of the proposed care facility and the fact that the C2 use class by definition provides for the supervision of residents by care staff.

As a result, it is considered that the proposed development complies with all relevant local and national planning policies 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

- Site Layout Plan – Received 20/08/2025
- Proposed Floor Plan - Received 20/08/2025

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.

- 3 Prior to the commencement of the use hereby permitted, a scheme for external CCTV shall be implemented in full at the property in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. This submitted scheme shall include details of CCTV camera locations, mounting heights, equipment specifications, signage and a maintenance and monitoring plan. That CCTV scheme shall remain in place and be operational at all times thereafter.

In the interests of community safety in accordance with Policy ST2 of the South Tyneside Local Development Framework 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).

Case officer: Emma Thomas

Signed: *E. Thomas*

Date: 15/10/2025

Authorised Signatory: Andrew Inch

Date: 24/10/2025