



South Tyneside Council

Reference:	250512
Location:	12 West Avenue South Shields NE34 6QU
Ward:	Harton
Description:	Change of use from residential dwelling (use C3) to Children's Home (use C2) for one young person
Recommendation:	Grant Permission with Conditions
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the Site

This application relates to 12 West Avenue, a detached bungalow located in a residential area of South Shields. The property benefits from a small garden to the front and a larger garden to the rear. The property to the east is a similar detached bungalow whilst to the west are two storey dwellings. The property is located near the shopping area of Prince Edward Road and the Cleadon Park Primary Care Centre and Library. To the rear of the site is a field accessed from South Avenue. The property does not benefit from any in curtilage car parking.

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 one young person who require care and support. No external alterations are proposed as part of this application.

The submission states that the home is intended to offer support for one young person who needs additional support and care. The accommodation would be staffed by a team of ten staff with two staff members on duty 24-hours a day. The home would have 1 dedicated vehicle for use by staff members.

Relevant Planning History

The planning history of the site is as follows:

ST/1291/05/FUL – Proposed demolition of existing outbuildings and erection of single storey rear extension. – PERMITTED DEVELOPMENT

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 17/10/2025.

Highway Authority -

The details of the application have been examined and are considered acceptable and would not result in a severe impact on the highway network. The Highway Authority therefore has no objection 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 low risk of flooding from surface water, identified in the Environment Agency's flood risk maps. Given the identified surface water risk, can the applicant be directed to the Environment Agencies standing advice for vulnerable development, specifically to the confirmation of extra flood resistance measures.

Designing out Crime Officer -

Northumbria Police understand the need for an upscaling of children's homes in the South Tyneside area.

From the information provided and that the staffing levels are high there is concern that the comings and going from the home and the potential numbers of vehicles needed to serve the home may be higher than normal and we hope that this has been factored in to the management plan.

As there is no boundary treatment for the application, we would recommend that the rear boundary on to the communal grass area has a plan drawn up to show if there is a rear access point and for it to be secured accordingly.

Officer comment – it is noted on the plans that a boundary treatment is in place at the rear of the property.

Waste – No comments received

Summary of Representations

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

- Inappropriate and detrimental to this residential street where properties are predominantly privately owned, individual residences.
- The use of property as a children's care home for the previous resident for the last 7 years means residents have experience of the problems it caused.
- It appears that this person requires 4/5 carers on a 24 hour/7 day basis.
- Shift changes for carers resulted in increased traffic and demand for on street parking, creating congestion and road safety concerns - the street is already congested.

- The previous resident was violent and neighbours witnessed this on numerous occasions. This included shouting and screaming. This is unpleasant for residents. Carers were noisy and boisterous when arriving/leaving the property, smoked cigarettes and cannabis in the back garden at all hours, played music and shouting at all hours of the day, left rubbish bins in the pavement for days after they have been emptied and numerous instances of inconsiderate parking. The care team for the previous occupant were not helpful when approached about neighbour concerns.
- The use as a children's home has been present for 7 years. Can you explain why residents were not consulted on the initial change of use 7 years ago.
- Antisocial behaviour associated with the proposed use.
- South Tyneside council or its related services have not managed this property which I understand they purchased a few years ago as a resident care home.
- The property has not been upkept and looks unsightly.
- This bungalow was purchased in 2017 by the council and was occupied by a resident with multiple carers 24 hours a day. This situation continued until a few months ago. The property hasn't been residential since 2018. Is this application retrospective?
- West Avenue is close to Prince Edward Road a busy shopping area with parking limited. This results in people parking on West Avenue and South Avenue. In this environment, 12 West Avenue was converted as a care home. This resulted in anything between three and seven cars in the street for this property, many parking without consideration of other residents.
- There is no enforceable commitment for care staff to park away from the home.
- The pressure could be eased by a resident parking permit scheme, but this was dismissed by the council in 2010.
- The proposal would represent a significant negative impact to both residents, the proposed care home users and visitors.
- Why would this property be suitable in a location where parking and access is a pressure? Was an impact assessment made when the property was purchased?
- The apparent failure of South Tyneside council to follow planning guidance is extremely concerning and calls into the judgment of the planning department to assess the suitability of developments, particularly those developments where the department and its officers have an interest and risk of reputational damage.
- There is concern that councillors who will make / be making the decision have already made up their minds without speaking to residents.
- This is an insult to residents' intelligence by stating that the planning application is for a change of dwelling from residential to a children's home. It seems impossible that you do not know that for the last seven years this property has been occupied by a resident who needed care, 24/7, 365 days a year. Surely the property is already a care home.
- Due to residents' highly charged emotional objections, I think any young person would be entering an environment of discontent and animosity.
- If any decision is made by a council department where the council also has an interest, surely this is a conflict of interest at best? at worst, wholly unfair and unethical?
- Would it not be more beneficial to have such a care home in a cheaper area?
- Concerns about the calibre of the individuals which would be housed in this property.
- Concern regarding selling neighbouring property in the future. Would we be compensated for the loss of property value? if the property did not sell because of the children's home would we be required to pay full council tax?
- Understand the need for this type of accommodation but thought must be given to the impact on the local community.

Officer comments –

- Property value and depreciation is not a planning matter and Council tax matters are controlled outside the planning system.
- Neighbours have questioned whether other areas have been considered for the use. The planning system does not look at alternative locations for development and is restricted to looking at whether the proposals submitted for the application site are acceptable in the location.
- Neighbours raised concerns about 'the council' determining an application in which they are the applicant. The Council as Local Planning Authority have a statutory duty to assess and determine planning applications against relevant national and local planning policies. The Council's Constitution details Planning Committee functions and the determination of planning applications, including at paragraph 9.7.5, when an application would need to be determined by committee for those applications submitted by or on behalf of the Council for its own development. This application does not meet the criteria, neither having substantive planning objections which have not been resolved by negotiation or the imposition of conditions and/or would need to be notified to the First Secretary of State if the Council was minded to grant permission for them. As such, in accordance with the Council's Constitution this application is being determined under the council's scheme of delegation.

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

The NPPF (December 2024) paragraph 11 states that 'Plans and decisions should apply a presumption in favour of sustainable development. ... For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Having regard to NPPF paragraphs 78 and 232, as a consequence of the Council not having a demonstrable 5-year housing land supply plus a 20% buffer and the Council's Housing Delivery Test results showing that the delivery of housing was substantially below the housing requirement over the previous three years, the tilted balance in NPPF paragraph 11 d) is engaged.

This means that greatest weight must be given to the NPPF as a material consideration in deciding this planning application, a form of residential 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 Use Class C3 dwelling to a Class C2 care facility for one young person who requires 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).

As such, depending on the circumstances of each case, a care home for a young person (children's home) will fall into either a C2 or C3 use classification. The starting point is therefore to firstly establish, as a matter of fact and degree, whether the use of the property would constitute a change of use from C3 to C2. As the above list references, there is provision for a dwellinghouse to provide supported accommodation (category b). Based on the list above, a property cannot fall within use class C3 (b) if more than six residents are to occupy it. However, where the proposed number of occupants would be six or fewer (as would be the case with the current application) the key question is therefore whether the young person and staff would be living together 'as a single household'.

Planning case law *North Devon DC v First Secretary of State* (2003) established that young people (children) are not able, on their own, to form a 'single household' because they are not capable of living without adult care and supervision. However, young people (children) living together with an adult carer can potentially constitute a single household, if that carer is permanently resident. Non-resident carers are not deemed to be part of the household, even in circumstances where care is provided to the children 24 hours a day, seven days a week. The proposal would have non-residents carers and as such the proposal would not constitute a 'single household'.

However, a change of use from C3 to C2 may not amount to a material change of use and may still not amount to development which requires planning permission. A change of use from class C3 to C2 will not generally be considered material if it doesn't change the actual daily use and character of the property. If the premises have the look and character of a conventional residential dwelling, and the use gives rise to no greater level of disturbance or amenity effects than could be generated by a C3 use, then no material change of use would occur. Each case must be determined on its own merits (based on fact and degree in each case), with considerations including noise levels, number of children that would be resident, increased pressure on parking caused by visits from carers etc, and the need for any additional security at the property.

Understanding the differences between the above use classes, the applicant has submitted a planning application for a change of use from use class C3 to C2. As such the planning application must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise. Consideration of the above and provision for an element of care within use class C3, is however noted; recognising that under differing operational circumstances including the provision of resident care staff, a C3 use (and thereby not requiring planning permission) could be proposed. The above is also of note, in reference to the former use of the property for care.

Numerous residents have raised concerns regarding the previous use of the application site as a care home since 2017 and why this application is being applied for now. Whilst the concern of residents is noted, discussions with the applicant clarified that the previous use of the dwelling was for a single person who was supported with care by a provider external to the Local Authority. Notwithstanding this history, the planning application has been submitted and the planning department therefore need to assess whether the proposed use is acceptable in this location.

From a review of the planning history to the application site, the application site has most recently been used as a Use Class C3 dwelling house and the proposed use for one young person who has significant needs requiring a care team. Both C2 and C3 uses are a type of residential accommodation in planning terms. 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. Whilst the wider locality provides access to local services, such as shops, a care centre and a library.

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 change of use would be for the specific needs for an individual 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 submission advises that the property would have one dedicated car for the occupant (for use by the care staff). 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, library, primary care centre and Temple Park. Bus stops are within easy walking distance for the application site. The site has good connectivity to the strategic highway network across the borough via King George Road and John Reid 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 carers 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.

Referring to the definition of a C2 use above, it is recommended that due to the inclusion of other types of 'residential institutions' within Use Class C2, in addition to a care home, that a planning condition should be attached to the grant of permission to limit the use of the premises to a children's care home (Use Class C2) and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987. It is considered that an alternative use to the premises would require further assessment specifically in terms of residential amenity, highway safety and car parking, as standards differ between types of use (as set out in SPD6 Parking Standards guidance).

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 a single young person who would be supported by a care team of ten carers, with two present at all times.

A number of comments were received from residents stating concerns regarding antisocial behaviour and poor conduct of the carers associated with the previous occupation of the application site.

The Northumbria Police Designing Out Crime Team have been consulted on this application and commented that they understand the need for an upscaling of children's homes in the borough. Within the comments received from Northumbria Police reference has been made to the comings and goings from the home and potential number of vehicles needed to serve

the home, which may be higher than normal. Consideration of highway and parking and level of activity associated with the proposed use are assessed and addressed later within this report.

Northumbria Police raised no objections and made no comments regarding any previous reports of antisocial behavior and raised no evidence of crime in the area. Furthermore, in respect of the proposed use no objections or concerns were raised in respect of resultant antisocial behaviour or crime / fear of crime. 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, 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.

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 not be appropriate for this area and that it would reduce community cohesion. Comments were also made regarding the additional noise by residents or the carers swapping shifts which would disrupt local residents. Many neighbour comments refer to the conduct of the previous care team at the site causing noise and disturbance and poor conduct when approached by residents regarding these issues. The planning system does not control users of residential accommodation and can only assess whether the proposed use would be acceptable.

It is considered that there would be no harm to residential amenities in terms of the built form, including in terms of loss of outlook, overdominance, overshadowing or loss of privacy. The proposals do not include any external alterations to the property. Consequently, 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 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. The occupant 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 3 staff plus 1 visitor space per 10 residents. In comparison, SPD6 states that for C3 (dwellinghouse) that maximum provision is normally 2 spaces per dwelling plus 1 space per 3 dwellings for visitors. As such this would equate to a maximum of 3 spaces.

The submitted application form states that there are currently no off-street parking spaces at the property, but the property would have one dedicated car for the occupant. The application form states that there would be a total of 10 full-time employees, however only 2 staff would be present at the property at the same time. The only exception to this would be during staff handover / changing shifts, however this would be for a short duration. Additionally, it should be noted that any visitors, or visiting professionals, to the site would also have to park on street. It is however considered that any meetings held at the property would likely take place during a weekday, where existing on street parking demand is less than on an evening and weekend.

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 does not benefit from a driveway and the front garden would not be altered to form off-street parking (which from the case officers site visit would be substandard). However, there are no parking restrictions on West Avenue directly to the front of the property and on surrounding streets. Therefore, the existing use of the property as a residential dwelling would require residents to park on street which would be similar to the situation should permission be granted for the proposed change of use.

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.

As detailed above, The Local Highway Authority has been consulted on the application and have raised no objections to the proposal. No highway safety or car parking concerns (including reference to resident permit schemes) have been identified.

It is considered that the proposal would not generate a level of parking demand significantly different to the existing lawful dwelling use (as set out above) and that the existing layout would be acceptable given the residential care facility use proposed. Whilst there would be no off-

street parking provided, it should be noted SPD6 standards, are maximum standards and that no minimum car parking standards can be set out. Furthermore, as set out above, the site is located within a highly sustainable area and there is available on street parking in the area. It is therefore considered that the level of parking for this specific proposal would not be dissimilar to the existing use of the property as a residential dwelling to be considered substantially or additionally harmful.

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. Based on the nature of the proposal and the layout of the site it is considered that the property has sufficient outside amenity space to accommodate bin storage.

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.

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

As advised earlier, greatest weight in deciding this application needs to be given to the NPPF as opposed to local planning policy, given that the application includes a form of residential accommodation (housing development) and the Council's housing land supply/delivery deficiencies. In particular, the NPPF Paragraph 11 d) ii) also applies, which sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Noting the lawful use of the property and the scale of the development proposed, whilst the proposal would make a positive contribution to housing delivery and supply with associated social and economic benefits through employment opportunities connected with the care use, and the efficient use of land in an urban area, the associated benefits are limited by the scale of development proposed.

Having regard to all of the above, and when assessed against the policies of the NPPF as a whole, 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. 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

Proposed Elevations Drg No 12WA 002 Received 14/08/2025

Existing and Proposed Floor Plan Drg No 12WA 001 Received 14/08/2025

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.

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 premises shall be used for a children's care home (use Class C2) (as described within the submitted Planning Statement received 16/09/2025) and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, highway safety, parking, access and amenity, in accordance with the NPPF and South Tyneside Local Development Framework Policies, DM1, EA5 and A1.

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: Samantha Gallagher

Signed: S Gallagher

Date: 26/01/2026

Authorised Signatory: Helen Lynch

Date: 27/01/2026