



South Tyneside Council

Reference:	250750
Location:	313 Prince Edward Road South Shields NE34 7LZ
Ward:	Harton
Description:	Change of use from a card shop (use class E) to a health shop deli (use class E) including the installation of a flue
Recommendation:	Grant Permission with Conditions
Case Officer:	Casey Scott
Case Officer Contact No.:	0191 4246780 or 07442 655446

Description of the Site

This application relates to 313 Prince Edward Road, which is a mid-terrace property located at the Nook Shopping Centre, approximately 2 miles to the south of South Shields Town Centre. The previous use of the site was a card shop (use class E).

Description of the Proposal

This application seeks full planning permission for the change of use of the site from a card shop (use class E) to a health food shop-deli (use class E). To facilitate the change of use of the site, the proposal also seeks consent for the installation of a flue on the rear elevation of the property.

Within the planning statement, submitted with the application, this sets out that the property has been vacant for some time. The overall ground floor space of the property is approximately 70sqm, and the first floor use of the property is a separate self-contained leased residential property with access to the front street of the property only. The opening hours of the proposed shop would be Monday – Saturday 7am – 3pm, and create employment for 4 full time staff and potential for 2 part time roles. The planning statement states that this proposed health food shop would also consist of healthy hot and cold foods to be consumed on and off site. Additional information received during the course of the application has confirmed that the flue to be installed would facilitate the preparation of healthy hot food, but these will be mainly consumed on the premises.

Relevant Planning History

The planning history of the site is as follows:

Reference: ST/0183/92//DM

Description: Installation of new shop front
Decision: Grant Permission with Conditions

Reference: ST/0764/92/DM

Description: Retrospective application for temporary siting of storage container to rear of the property

Decision: Refuse permission

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 16/01/2026.

Environmental Health – Noise

I have considered the residential amenity impact of the application in terms of noise and odour, specifically from the flue that is proposed.

First floor properties in proximity to the application site will include residential accommodation.

This is a mixed use area, with a number of similar uses to the proposed, and the ambient noise levels will reflect that of a busy shopping area with comings and goings into the late evening as a result of the licensed premises in the vicinity. Early morning noise levels will be dominated by deliveries to the area and commercial businesses such as Greggs opening very early in the morning.

I do not believe that the proposal will give rise to impact on residential amenity with regards to the principle of the use for these outlined reasons. The applicant has advised that restrictions to opening times will be 07:00 – 15:00, 7 days a week, this will further protect amenity and I would propose a condition is added to secure these times, if you have not already been minded to do so.

Specifications of the flue have been provided that look acceptable, a risk assessment has been provided, although I do not believe that the form follows the best practice for this type of assessment, it does include some relevant information and indicates that the specifications provided are acceptable for odour extraction. I would recommend a condition is added to ensure that the specification of the flue is in keeping with the details proposed.

With regards to noise from the extract system, the applicant advises that noise levels should meet the requirements of a BS4142 assessment, however no such assessment is provided in the application and therefore the applicant has not assessed the potential impact of operational flue on residential receptors. I would recommend such an assessment is provided by way of condition, to ensure that any potential impact on amenity as a result of noise is minimised by appropriate mitigation.

Community Safety

No crime or disorder concerns.

Highway Authority

Observations: No issues arise from the proposal.

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

Summary of Representations

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

- An increase in foot traffic
- Increased noise or disturbance
- Impact on the character of the area

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 of 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 Site Specific Allocations Development Plan Document DPD 2012.

The following local planning policies are relevant to this planning application:

- ST1 Spatial Strategy for South Tyneside (Core Strategy)
- ST2 Sustainable Urban Living (Core Strategy)
- SC1 Creating Sustainable Urban Areas (Core Strategy)
- EA1 Local Character and Distinctiveness
- DM1 Management of Development (DM DPD)
- DM7 Biodiversity and Geodiversity Sites (DM DPD)
- SA5 Retailing Opportunities (SSA)

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 Local Plan has been subject to examination in public hearings in July 2025 and January 2026 and a consultation on proposed Main Modifications has recently closed.

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:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 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,
- 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. 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 weight)

- Policy SP3: Spatial Strategy for sustainable development (very limited weight)
- Policy 1: Promoting Healthy Communities (limited weight)
- Policy SP17: Strategic Economic Development (very limited weight)
- Policy SP20: The Hierarchy of Centres (limited weight)
- Policy 26: Ensuring Vitality and Viability in Town, District and Local Centres (significant weight)
- Policy 33: Biodiversity, Geodiversity and Ecological Networks (significant weight)
- Policy 35: Delivering Biodiversity Net Gain (limited weight)
- Policy 47 Design Principles (very limited weight)

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

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

- Principle of the Development
- Design and Visual Impact
- Impact on Residential Amenity
- Highway Safety

Principle of the Development

The proposal is located within the Harton Nook district shopping centre. The site is currently vacant, and the previous use of the shop was as card shop (Use Class E).

Use Class E relates to Class E. Commercial, Business and Service uses for all or any of the following purposes —

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- c) for the provision of the following kinds of services principally to visiting members of the public— i) financial services, (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for— (i) an office to carry out any operational or administrative functions, (ii) the research and development of products or processes, or (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

It should be noted that from 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987, with the recalibration of the classification of uses of property. The former use class A1 retail and use class A3 – café and restaurants are under class E sub-paragraph

(a) and (b) respectively. Following the coming into force of the Use Classes (Amendment)(England) Regulations 2020, hot food takeaways are defined as a sui generis use. Since the 2020 changes in England a distinction has therefore been drawn between hot food takeaways and other food and drink uses. As described above, the main category for food and drink uses is now Class E(b) which is defined as *'for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises'*. Whereas the definition of the sui generis hot food takeaway use is now defined as *'for the sale of hot food where consumption of that food is mostly undertaken off the premises'*. In addition, use Class E (a) also encompasses premises that sell cold food for predominantly off premises consumption. Class E(a) retail, is defined as *'for the display or retail sale of goods, other than hot food, principally to visiting members of the public'*. Class E uses can alter and switch between uses without the need for planning permission, however, planning permission is required to change between a sui generis use and a use falling within Class E.

The use of the premise is proposed as a mixed use between a shop and the sale of hot and cold food, which will be available for consumption on and off the premises. Included within the planning statement is a selection of the menu which would be provided, which is described to include health food options.

The planning statement states that the health food deli shop would provide food for consumption on and off premises. Following discussions with the applicant, they have confirmed that for the business most of the food will be consumed on-site and therefore the proposed use of the building would fall under Use Class E and would not be a hot food takeaway (use class sui generis). Cafes / snack bars such as this proposed deli generally fall into Use Class E (a) and Use Class E (b), given the sale of hot and cold food. Given the use of the site would for both of these uses, the site would be mixed use across these two use classes which sit under Use Class E, the use class which consent is sought for.

Therefore, on this basis, the proposal is for a change of use from Use Class E (card shop) to Use Class E (health food shop deli). As such, planning permission would not be required for the change of use, however planning permission is required for the installation of the flue to the rear of the property to facilitate the preparation of food on-site.

Therefore, the principle of the development is considered acceptable.

An informative has been added to the decision to remind that the applicant that this application relates to a change of use of the property to Use Class E. Should the use of the building / business change at a later date for the sale of hot food where consumption of that food is mostly undertaken off the premises, then planning permission would be required to change the use of the property to a hot food takeaway (Use Class Sui Generis).

Design and Visual Impact

As a result of the development, the proposal would not result in any changes to the visual amenity of the building when viewed from the front elevation beyond associated changes to any signage which is unlikely to require advertisement consent or planning permission. The planning statement submitted with the application states that the premises is currently vacant, therefore in terms of visual amenity the existing shopfront roller shutters are in place continuously, resulting in the appearance of an inactive shop premise along Prince Edward Road. The proposed development would bring the unit back into use.

To the rear of the property, the installation of the flue would not result in harm to the visual amenity of the area, as a result of the overall scale. It's location on the rear of the property would not be highly visible from the back lane of Prince Edward Road. Furthermore, there are

similar developments and equipment within the back lane of Prince Edward Road associated with other existing properties. Furthermore, the flue would be located to the rear of the property at ground floor level, therefore it would not be highly visible.

At first floor level above the new proposed health food shop deli, there is existing residential use at first floor level. Likewise, there are residential properties at first floor level in the neighbouring properties. The installation of the flue is assessed further within the report with respect of residential amenity, however in terms of design and visual impact the proposed flue is located at ground floor level, therefore it is not anticipated that this part of the development would result in harm to these neighbouring residential uses with respect of design and visual impact.

As such the proposal can be considered acceptable in this regard, in accordance with LDF Policy DM1 and the NPPF.

Impact on Residential Amenity

In terms of residential amenity, the proposed development would change the use of the building from a card shop to a health food shop deli. As set out in the principle of the development, planning permission is not required for the change of use of the building.

Consultation has been undertaken with the Environmental Health Officer, who has reviewed the details of the application. Their comments are set out in full earlier in the report, but they identify that this area is a mixed-use area, with other similar uses within the area. The ambient noise levels will reflect that of a busy shopping area, in the context of residential properties at first floor level adjacent to the application site. As such, they do not believe that the proposal will give rise to an impact on residential amenity as a result of this, subject to a planning condition to restrict the opening hours to those set out in the application form, as 07:00 – 15:00 seven days a week. However, upon review of the other units along Prince Edward Road, there is a mixture of hot food takeaways, a public house and other retail units with varying opening hours. For example, the Sainsburys retail store along this road advertises opening hours until 9pm, and the Derby Public House advertises opening hours until 11pm. The hot food takeaway of Papa Johns Pizza advertises opening hours until 3am. Therefore, given the mix of uses within the area and variety of opening hours, and noting that the change of use does not require planning permission, it would not be considered reasonable to restrict opening hours of the proposed use in line with the proposed operational opening hours set out within the application form.

One objection has been received to this proposal from a local resident at 317 Prince Edward Road. They raise concerns with respect of an increase in foot traffic, Increased noise or disturbance and an impact on the character of the area. In line with the comments received from the Environmental Health Officer, it is not considered that the resultant noise associated with the development would not be dissimilar to the existing use, and those uses at other commercial properties along Prince Edward Road. It is noted that the immediate neighbouring uses consist of a Public House, retail units, hot food takeaway with varying hours and days of operation, including evening activity.

To facilities the health food shop deli, the proposal includes the installation of a flue. This has also been reviewed by the Environment Health Officer. They consider that the specification of the flue to be acceptable, however it is considered that additional details are required with respect of a noise assessment of the flue in respect of residential receptors. The applicant has advised that the noise levels should meet the requirements of a BS4142 assessment, however this is not evidenced with a submitted assessment. It has also been recommended that a condition also ensures that the specification of the flue is in accordance with the specification details submitted with the application. Therefore, a planning condition has been

added to ensure that any potential impact on amenity as a result of the noise is minimised by appropriate mitigation and, notwithstanding the details already provided, require the submission of specifications for the flue.

Therefore, subject to the recommended planning conditions with respect specification and noise assessment for the proposed flue, the proposed development is considered acceptable, in accordance with LDF Policy DM1 and the NPPF.

Highway Safety

The proposal is to change the use of a commercial unit at Prince Edward Road from a card shop to a health food shop deli. There are bus services along Prince Edward Road, and a one-way parking system in front of the application property.

To assess the proposal with respect of highway safety, comments on the application have been provided by the Highway Authority. They have reviewed the details of the proposal and consider the application is acceptable and the Highway Authority has no objections to the proposal.

In terms of servicing and maintenance of the property, the rear yard of the property is accessible from the rear back lane of Prince Edward Road. Based on the plans received, this access remains unchanged from the existing rear access to the card shop, ensuring that highway safety is unchanged with respect of access to the property.

In terms of servicing, the arrangement is unlikely to change based on the previous use of the site as a retail store. Access is available from the front of the property through the proposed deli, and through the rear yard of the property via the back lane.

Given the proposal would not change the use class of the property (Use Class E), the application site can be sustainably accessed via bus routes and there is a large amount of free public parking available outside the property, the proposed development is considered acceptable with regard to highway safety, in accordance with LDF Policy DM1.

Other matters

Waste storage arrangements would remain unchanged with rear storage and access for servicing from the rear.

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

Having regard for the above it is considered that the proposal would result in no significant harm in terms of design and visual Impact, residential amenity and highway safety.

As a result, it is considered that the proposed development complies with all relevant local and national planning policy and guidance. Consequently, this application is recommended for approval, subject to planning conditions.

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 Floor Plan and Rear Elevation amended 14.06.2026 – received 14.06.2026.

Ab&c solutions limited specification for fan and ductwork – received 05.12.2026

Ab&c solutions limited proposed ductwork run – received 05.12.2026.

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.

To ensure a satisfactory standard of development in accordance with adopted South Tyneside LDF Development Management Policies DM1.

- 3 Notwithstanding the details submitted in respect of the proposed external flue, as detailed within the following plans: Proposed Floor Plan and Rear Elevation amended 14.06.2026 – received 14.06.2026, Ab&c solutions limited specification for fan and ductwork – received 05.12.2026, Ab&c solutions limited proposed ductwork run – received 05.12.2026, prior to the installation of the hereby approved flue, detailed specifications and a noise assessment of the proposed flue shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the flue, and its, installation, operation and maintenance shall be undertaken in full accordance with the hereby approved details.

To ensure the proposal does not negatively impact the residential amenity of the neighbouring properties with respect noise, in accordance with South Tyneside LDF Policy DM1 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 ("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 Planning permission is hereby granted for the change of use of the property to Use Class E as a health food shop deli. If at a later date the property is used as a hot food takeaway, Use Class Sui Generis, then planning permission would be required. The definition of a hot food takeaway is understood as 'the sale of hot food where the consumption of that food is mostly undertaken on the premises.'

Case officer: Casey Scott

Signed: C.Scott

Date: 12.05.2026

Authorised Signatory: Helen Lynch

Date: 17/06/2026