



South Tyneside Council

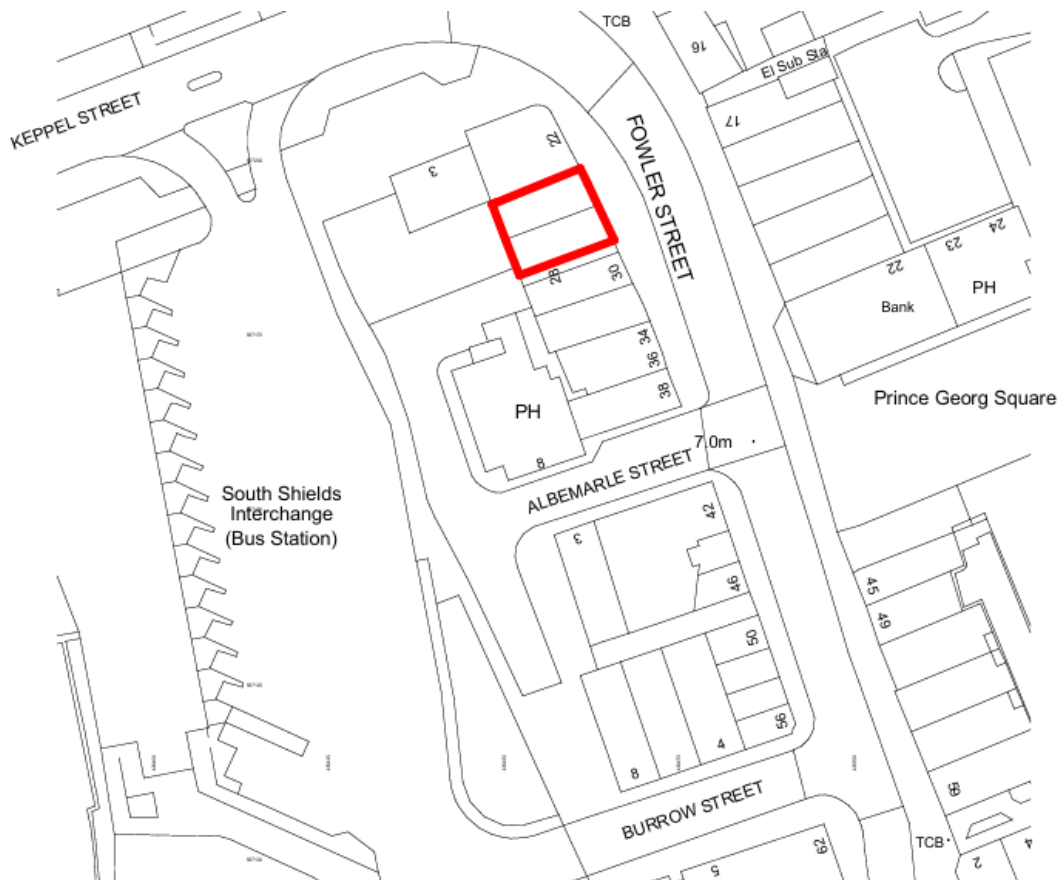
Reference: 250800

Location: 24 - 26 Fowler Street
South Shields
NE33 1NA

Ward: Beacon and Bents

**Application documents
and plans can be found
here**

[MVM Document Viewer](#)



Description:	The partial conversion of existing building from Class E retail / office use class into 15, C3 residential self-contained apartments, with retention of retail units at ground floor. Proposed mansard style roof, rendered facade and new windows and doors to west elevation. New conservation rooflights and new shopfront to east elevation.
Applicant:	Adsen Moore Financial Consulting
Agent:	CREATE Architecture Ltd
Reason for bringing the application to Planning Committee:	The development is a major development
Recommendation:	Minded to Grant Permission
Case Officer:	Helen Lynch
Case Officer Contact No.:	0191 4247408 or 07741106225

List of neighbour representation addresses:
None

Description of the Site

1. This application relates to a three storey, plus basement building located close to the junction of Keppel Street and Fowler Street to the north and east respectively, which forms part of the Town Centre and South Shields Primary Shopping Area.
2. The application site forms part of the overall building comprising 24 and 26 Fowler Street, both currently vacant. The most recent use of no. 24 Fowler Street was a retail shop at ground floor whilst the upper floors were vacant, previously used as offices. In respect of no. 26 Fowler Street, the most recent use was a retail shop (local convenience / newsagents) on the ground floor whilst the upper floors were vacant, previously used as offices. Both properties were marketed for sale in May 2024. The submitted plans identify void spaces at ground, first and second floors, which are annotated as falling outside the application site demise (forming adjacent units).
3. The application site forms part of the overall Victorian brick-built property. The application site is not a nationally or locally listed building. The property has original architectural detailing and fenestration details with projecting bay windows to the front elevation.
4. The property is adjacent to and opposite commercial and retail buildings with planning permission for residential uses above, including the neighbouring terrace of shops and commercial units along Fowler Street. To the rear of the property is Albermarle Street and beyond this to the west lies the South Shields Interchange. On the corner of Albermarle Street, to the southwest of the application site is 8 Albermarle Street, a vacant public house, (the subject of planning application 250808) which has recently

been granted planning permission for change of use from a public house (Sui Generis) to an 18 bed HMO.

5. To the north is 22/22A Fowler Street, which is included within the Council's list of Locally Significant Heritage Assets. This building retains many of its original architectural features and includes one of the few remaining historic shopfronts in the town centre, dating from the early 20th Century.

Description of the Proposal

6. This application seeks full planning permission for the partial conversion of the building from Class E retail / office use into 15 no. (use class C3) residential self-contained apartments / studios, with retention of retail use at ground floor. The proposal includes for 11 no. studios and 4 no. 1 bedroom apartments across all floors. The existing two retail units would be consolidated into one retail unit with a floor area of 49m². In addition to the internal conversion works related to the change of use, the proposals also include external works comprising the provision of a mansard style roof to introduce additional habitable space within the roof space as well as proposed rendering and new windows and doors to the west (rear) elevation and new conservation rooflights and a new shopfront to the east (front) elevation with integrated grille roller shutter.
7. The existing roof structure would be replaced with a new roof construction utilising the current roof pitch to the front and a proposed mansard roof to the rear. The overall height of the building would not change from the existing, with the new mansard roof to the rear of the property being no higher than the existing roof to the front elevation of the property.
8. The retail unit would be located at ground floor level and would be accessed via Fowler Street. Storage for the retail unit would be within the basement.
9. The 15no. residential units (4 no. apartments and 11 no. studios) would be spread across all floors as follows:

Basement and ground floor	3x 1 no. bed studio apartments
1 st Floor	2x 1no. bed apartments and 2x 1no. bed studio apartments
2 nd Floor	2x 1no. bed apartments; 2x 1no. bed studio apartment
3 rd Floor	4x 1no. bed studio apartment

10. Each apartment would have a separate lounge and kitchen, and a shower room /bathroom, in addition to the bedrooms. The studio apartments would have a combined bedroom/lounge/kitchen, and a separate shower room.
11. There would be cycle storage in the basement to serve all apartments and separate cycle storage to serve the retail unit. Refuse storage for the residential units would be shared with the retail unit on the ground floor with a direct internal access route to the rear of the property.
12. The application has been amended following initial comments received from consultees which raised matters including design / heritage considerations; requirements for the removal of highway land from the application site, with alternative arrangements being made for shared courtyard, bin store and cycle parking clear of

the land; inclusion of biodiversity enhancements (swift boxes) and increased glazing / natural light to the proposed basement accommodation.

Relevant Planning History

13. There is no relevant planning history for the site.

Summary of Consultation Responses

14. The following responses were received in response to the statutory consultation period.

15. STC Countryside Team

16. *Designated Sites*

National Sites Network (International Statutory Designated Sites)

The Conservation of Habitats and Species Regulations (2017) transposes the Habitats and Birds Directives into English Law and is commonly referred to as the 'Habitats Regulations.' The legislation requires local planning authorities to undertake an assessment to ascertain whether proposed developments could have a likely significant impact on sites under the National Site Network.

This proposed development is within 7.2km of the following relevant international sites:

- Durham Coast Special Area of Conservation (SAC)
- Northumbria Coast Special Protection Area (SPA) and Ramsar Site

Direct Impacts on the sites are not anticipated, given the distance between the proposed development site and the designated sites. However, studies have shown that recreation pressure is likely to increase with new residential growth. Recreational pressure affecting sites included within the National Site Network is predominantly from residents within a 7.2km 'zone of influence' and it is therefore concluded that additional residential development within this zone will contribute to further recreation pressure if not mitigated for. Any residential development within this zone must therefore be the subject of a more detailed assessment, known as an Appropriate Assessment.

South Tyneside Council provides the option to contribute to a mitigation strategy rather than provide bespoke mitigation and this can be found in the Interim Supplementary Planning Document 23 and the supporting studies available here: [Interim Supplementary Planning Document 23 - Mitigation Strategy for European Sites - South Tyneside Council](#)

The contribution towards the strategic mitigation scheme as set out in the SPD is currently calculated at £403 per dwelling for developments of 10 units or more. So, for this application the sum required would be 15 x £403. If this is the route the applicant decides to follow, the applicant will not need to submit a shadow HRA - the Case Officer will need to ensure that an Appropriate Assessment is completed for this proposal and the HRA process is recorded.

Where a developer chooses not to opt into the Council's mitigation strategy, they must provide enough information on their potential impacts and mitigation proposals, in order to enable South Tyneside Council to undertake an individual HRA.

Regulation 61(2) states that:

“A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required”.

A developer will need to provide enough evidence that their individual mitigation package can effectively mitigate for the recreation pressure generated by their development. South Tyneside Council will need to have certainty, commensurate with the certainty given by the strategic approach, that the individual measures will prevent adverse effects.

Species Protection

I have included additional informatives for both bats and breeding birds below due to the residual risk to both.

Biodiversity Enhancement

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Swift Boxes

Swifts typically use existing holes, cracks and crevices, especially in old buildings, to build their nests. Due to changes in roof design and the current materials used to construct buildings, populations of Swifts have declined dramatically over recent decades. Since these birds nest in colonies, multiple nest boxes should be installed. As a NPPF enhancement it is recommended that four externally fitted Swift Boxes are installed. The boxes should be installed at a minimum height of 5m giving a clear flight path on non-south facing walls, preferably the East Elevation, away from windows and doors and should have no less than 40cm between entrance holes. These should ideally be constructed from Woodcrete/Woodstone.

17. STC Environmental Health – Noise

18. The assessment identifies that the site is exposed to a relatively high existing noise environment arising from road traffic, South Shields Interchange, neighbouring licensed premises and town centre activities. The proposed residential use therefore relies upon acoustic mitigation measures including upgraded glazing, alternative ventilation and enhanced separating constructions between residential and commercial uses.

However, the report also identifies exceedances of the overheating assessment criteria at the front façade and recommends that a separate overheating assessment be undertaken to determine whether alternative ventilation measures are required.

As submitted, the assessment therefore does not fully demonstrate that acceptable internal acoustic conditions and thermal comfort can be achieved simultaneously. I would therefore recommend that details of the final ventilation and overheating mitigation strategy are provided and approved prior to occupation.

Subject to implementation of the glazing and construction specified sound insulation measures found in table 5 and paragraph 3.3, submission of an acceptable overheating assessment and ventilation scheme, and appropriate verification of the completed acoustic works, I have no objections with regards to noise impact on residential amenity.

19. STC Environmental protection – Contaminated Land
20. No comments in relation to land contamination
21. STC Housing Team
22. Confirmation that Vacant Building Credit calculations acceptable. Equates to 0.27 units.
- Comparisons for studio / 1 bed sales in the area of the development over the last 2 years (June 2024-2026) identifies an average is £83,491, to be used as the 80% value in calculating the commuted sum required for affordable housing, which equates to £66,792.00.
- Calculations: 0.27 units X £66,792 = £18,033.84.
23. STC Historic Environment Officer
24. Amendments to the application have addressed previous comments relating to:
- Integrated open grille roller shutters to shopfronts.
 - Breathable natural hydraulic lime-based render to rear.
 - Brick finish to replacement chimney.
 - Single width conservation style rooflights to the principal elevation.
25. STC Public Health
26. Public Health supports this planning application, as it contributes to the housing mix and the opportunity to enhance the local economy. There is an opportunity to provide local employment during the build phase and during the retail operational phase. There is also the repurposing of vacant parts of the building, which supports the regeneration of the high street.
27. STC Transport Development Officer
28. The amended details are considered acceptable. The Highway Authority has no objections to the scheme and recommend planning conditions in respect of cycle and refuse storage provision and Notes to the Applicant concerning no storage of building materials or equipment on the highway to be included on any consent granted.
29. Lead Local Flood Authority
- The 1:50,000 BGS map shows that the bedrock underlying the Fowler Street site is Pennine Middle Coal Measures Formation – Sandstone.
 - The River Tyne is located approximately 500 metres from the site.
 - As the developments are for change of uses with no increase to the impermeable area, the surface water drainage strategy aims to provide betterment where feasible.
 - The existing roof area of Fowler Street will continue to discharge using its existing drainage arrangements.
 - Maintenance schedule provided. Maintenance responsibilities by end user.

We have the following comments to make:

- We do not have any knowledge of a history of flooding at the proposed development site.
- However, we do have knowledge of a history of flooding adjacent to the site, at South Shields Interchange on 10.09.23.
- The proposed development is considered to be at low risk of flooding from surface water, identified in the Environment Agency's flood risk maps – [see link](#).
- Between 2040-2060, it is projected that as a result of climate change, this flood risk increases from low to medium.
- Given our knowledge of flood risk in the area, please can we direct the applicant to the Environment Agency's Standing Advice for Vulnerable Development – [see link](#).
- Specifically, please can we direct the applicant to the information on extra flood resistance and resilience measures.

30. Northumbrian Water

31. Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

At this time, the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We note that the impermeable area is not increasing however, we note that the building use is changing from one or possibly two communal sanitary ware facilities when it operated as a retail unit, to 15 residential units with individual sanitary ware facilities including at basement level. Conditions therefore requested in respect of the submission and approval of a detailed scheme for the disposal of foul and surface water from the development and a detailed scheme for the disposal of foul water from the basement.

For Information Only - Please note that the site lies within drainage area 05-D48. This drainage area discharges to Howdon Sewerage Treatment Works, which is not named on the Nutrient Neutrality Budget Calculator.

Case Officer comment:

Clarification was sought following receipt of Northumbrian Water's comments as set out above and it was confirmed that the response was a standard response requesting a Pre-Development Enquiry due to the scale of the development. It was confirmed that Northumbrian Water have no concerns related to the capacity of the catchment sewage treatment works to treat drainage discharges from the proposed development; however, they advised (as previously stated) that additional detailed information regarding the proposed discharge flows from the development are required, including where they will connect to Northumbrian Waters network and the discharge rate. Northumbrian Water have advised that once this information is available, they will be able to assess the proposals in more detail and provide further advice as required,

although as stated in their comments they consider that such detailed matters can be addressed by means of a planning condition.

32. Northern Gas Network

33. No objections raised, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

34. Northern Powergrid

35. No objections raised providing that our statutory rights are not affected and that we will continue to enjoy rights of access to the apparatus for any maintenance, replacement, or renewal works necessary.

36. Northumbria Police

37. In terms of crime and security, from the plans provided there are 2 indicated doors on floor 1 and 2 which allow access to the area outside of the application. These need to be closed off with a boundary wall, so that there can be no permeability from the non-application area.

For the main and secondary entrances into the build on the ground floor we recommend that this has a good standard access control system.

Question the basement bedrooms and if the design would allow natural light into those bedrooms? Without a natural light source can the rooms be advertised as bedroom under the Rights of Light Act 1959.

Case Officer comment: The application has been amended to introduce natural light to the studio basement floor from the lower portion of proposed windows. In respect of access from adjacent units, the plans have been amended to identify an access controlled door to the adjacent neighbouring property through a shared access route. The applicant has identified that controlled access would be installed as part of an additional application and a temporary partition would be installed in the interim and a condition is recommended in this regard.

38. Tyne and Wear Fire and Rescue Service

39. Seeking clarification if this is to be timber framed construction.

The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report. The report includes details in respect of Building Regulation B5: Access and Facilities for the Fire Service, which raises matters in respect of vehicle access for a pump appliances, access routes / turning circles and provision of water supplies. The report proceeds to provide advisory recommendations to improve fire safety in premises including use of sprinkler systems.

Advise that further comments will be made on receipt of a Building Regulations submission.

Case Officer comment – The property is not a timber framed building.

40. STC Climate Change and Sustainability Team

41. *Sustainability Report*

The applicant has provided a brief Sustainability Report which covers aspects of the proposed development including Energy and Carbon Reduction, Water Efficiency, Sustainable Materials and Construction and Sustainable Transport. The report does not provide any reference figures or calculations to demonstrate the sustainability of the development but makes commitments to a fabric first approach to maximise energy efficiency and highlights the development's location providing excellent access to public transport.

Embodied Emissions

The Climate Change and Sustainability Team supports the reuse of the existing structure. This is an effective way to minimise the embodied carbon emissions, and therefore the whole life carbon emissions of the development and aligns with the emerging Local Plan and the council's boroughwide net zero ambitions.

Operational Emissions and On-Site Generation

The Climate and Sustainability Team is supportive of the application with regards to the focus on energy efficiency but would strongly recommend that solar and a heat pump are considered for this development to provide a decarbonisation pathway for operational emissions and minimise the whole life carbon emissions of the development.

Transport

The Climate Change and Sustainability team are supportive of this development from a transport perspective, as it aligns with Point 5 of Policy SP15 in the emerging local plan and will facilitate sustainable travel for all aspects of occupant's daily lives.

Summary of Representations

42. The application has been publicised by neighbour letters, a site notice and a press notice.
43. No representations have been received in relation to this application.

Relevant planning policy

44. 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.
45. The statutory development plan comprises the Council's adopted South Tyneside Local Plan 2023-2040. Relevant Local Plan policies are listed below:
- SP1 – Presumption in favour of Sustainable Development
 - SP2 – Strategy for Sustainable Development to meet identified needs
 - SP3 – Spatial Strategy for sustainable development
 - SP16 – Housing Supply and Delivery
 - SP20 – The Hierarchy of centres
 - SP21 – Natural Environment
 - SP24 – Heritage Assets
 - SP26 – Delivering Sustainable Transport
 - Policy 1 – Promoting Healthy Communities

- Policy 2 – Air Quality
 - Policy 3 – Pollution
 - Policy 7 – Flood Risk and Water Management
 - Policy 13 – Windfall and Backland Sites
 - Policy 15 – Existing Homes
 - Policy 18 – Affordable Housing
 - Policy 19 – Housing Mix
 - Policy 26 – Ensuring Vitality and Viability in Town, District and Local Centres
 - Policy 34 – Internationally, Nationally and Locally Important Sites
 - Policy 35 – Delivering Biodiversity Net Gain
 - Policy 43 – Development Affecting Designated Heritage Assets
 - Policy 45 – Development Affecting Non-Designated Heritage Assets
 - Policy 47 – Design Principles
 - Policy 48 - Shopfronts
46. The Local Development Framework (LDF) development plan documents also remain part of the development plan at the current time. The following policies within the LDF Core Strategy, Development Management Policies and South Shields Town Centre and Waterfront Area Action Plan are relevant to this planning application:
- DM1 - Management of Development
 - DM6 – Heritage Assets and Archaeology
 - DM7 - Biodiversity and Geodiversity Sites
 - A1 - Improving Accessibility
 - EA1 – Local Character and Distinctiveness
 - EA3 – Biodiversity and Geodiversity
 - SC1 – Creating Sustainable Urban Areas
 - SC2 - Reviving our Town Centres and other Shopping Centres
 - SC3 – Sustainable Housing Provision
 - SC4 – Housing Needs, Mix and Affordability
 - ST1 - Spatial Strategy for South Tyneside
 - ST2 - Sustainable Urban Living
 - SSTCW AAP Policy SS1 - Strategic Vision for South Shields Town Centre and Waterfront
 - SSTCW AAP Policy SS7 – Retailing Opportunities in South Shields Town Centre
 - SSTCW AAP Policy SS11 - Living in South Shields
 - SSTCW AAP Policy SS12 – Protecting the Built Environment Assets of South Shields.
47. The following policies and guidance are also relevant to this planning application:
- SPD6 - Parking Standards
48. 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

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

- NPPF Tilted Planning Balance
- Principle of Change of Use
- Housing Land supply, delivery and housing mix
- Affordable Housing
- Design and Visual Amenity Considerations
- Impact on Residential Amenity
- Impact on Heritage Assets
- Crime and Anti-Social Behaviour Impacts
- Impact on Highways Safety/Parking
- Biodiversity
- Drainage and Flooding
- Sustainability and Carbon Reduction

NPPF Tilted Planning Balance

50. 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 .'

51. 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.

52. This means that greatest weight must be given to the NPPF as a material consideration in deciding this planning application. The NPPF clarifies, at Footnote 7, that the policies referred to in paragraph 11 d) limb (i) are those in the NPPF (rather than those in development plans) relating to: habitat sites and/or designated as SSSI, Green Belt, AONB, National Parks, Heritage Coast, irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

53. The LPA must under NPPF paragraph 11(d) limb (i) test whether the application of one or more "Footnote 7 policies" provides a strong reason for refusing planning permission. It should be noted that the simple fact that such a policy is engaged is insufficient to satisfy limb (i). Whether or not limb (i) is met depends upon the outcome of applying the relevant "Footnote 7" policies.

54. In relation to limb (i) it is the Footnote 7 reference to “habitats sites” and “designated heritage assets” that apply to the application / proposal.
55. The LPA must also consider paragraph 11(d) limb (ii) and the matter of whether or not any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole.
56. This means that greatest weight should be given to the NPPF as a material consideration in deciding this application.

Principle of Change of Use

57. Paragraph 61 of the NPPF notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.
58. Local Plan Policy 13 relating to windfall and backland sites identifies that residential development on sites that have not been allocated will be considered positively where the site is previously developed or within a main urban area or would make a positive contribution to the identified housing needs of the Borough.
59. The application site is located within the designated South Shields town centre area and is identified as a Primary Shopping Area under Policy SP20 within the Local Plan. The proposal involves the re-use of the upper floors of the application site for residential accommodation and would result in a loss of office space on the upper floors. A retail unit would be retained at ground floor. There is not considered to be any material conflict with Local Plan Policies SP20 or 26, which seek to safeguard the vitality and viability of town centres. Policy 26 supports proposals for upper floor residential development (Use class C) and other main town centre uses which would positively contribute towards vitality and viability.
60. Local Plan Policy SP16 identifies that the council will work with partners and landowners to deliver housing requirements and maintain supply through encouraging conversion and change of use of properties. Additionally, Local Plan Policy SP15 seeks to bring long term empty existing homes and other appropriate buildings back into use as homes.
61. Furthermore, it is considered that the proposals would accord with South Tyneside Council LDF policies SC1 or SC3. In addition, LDF Policy ST1 supports development that reflects the scale and functions of the main towns of South Shields, Jarrow and Hebburn whilst LDF Policy ST2 promotes high quality sustainable urban living.
62. The South Shields Town Centre & Waterfront Area Action Plan sets out at Policy SS11 that the LPA will “promote the provision of a sustainable mix and choice of housing in South Shields town centre...that meets the needs of everyone. Improvements to the quality of residential areas in the town will be encouraged, including proposals for the...reclamation and regeneration of disused sites”.
63. National planning policy places significant emphasis on supporting the vitality and viability of town centres (NPPF paragraph 90), encouraging mixed-use development and the integration of housing with existing services and facilities (paragraphs 94 and 98). The proposal would introduce additional residential accommodation within a highly accessible town centre location whilst retaining a commercial presence at ground floor level.

64. Furthermore, paragraph 128 of the NPPF states that local planning authorities should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.
65. Additionally, paragraph 125 (e) of the NPPF states that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs – where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.
66. The town centre hosts a number of vacant units at the time of assessment and as such it is not considered that the change of use of the upper floors of the building to a residential use would result in significant harm to the vitality or viability of South Shields Town Centre. Indeed, it is considered that the addition of residential properties into this area would have a positive impact upon the businesses in the town centre. Furthermore, the proposed dwellings would contribute to reducing the Council's housing land supply and delivery deficiencies. Having regard to this it is considered that the proposed use of the site would be acceptable in principle.
67. Furthermore, the retention of the ground floor unit for continued retail use would not constitute a change of use and would continue to support the vitality of South Shields Town centre.
68. The South Shields Town Centre & Waterfront Area Action Plan sets out at Policy SS7(D) that, 'within the secondary frontages of the primary shopping area, such as the Market Place, Ocean Road and Fowler Street, encouraging the upgrading of property frontages with associated environmental improvements, and providing opportunities for a greater diversity of retail and non-retail uses, where they would not adversely impact on the existing character, function and vitality of the street or surrounding environment.' The proposal would retain and upgrade a retail unit at ground floor providing a new shop frontage and security shutters.
69. The application site, as described above is an existing vacant building within a main urban area, the town centre of South Shields.
70. Local Plan Policy 13 proceeds to states that the site should have access to sustainable modes of transport. The application site is located in close proximity to South Shields Interchange and the Shields Ferry.
71. In respect of making the most efficient use of available land, as detailed in Local Plan Policy 13, it is considered that the proposals meet this requirement, converting upper floors into residential units.
72. Local Plan Policy 13 requires that there will be sufficient infrastructure capacity to support the level of development. It is considered that the proposals could be served by the existing infrastructure including services within the town centre and sustainable transport options.

73. It is considered that the proposals, would also make a positive contribution towards creating sustainable, healthy, safe and diverse communities and contribute positively to the character of the area.
74. Overall, the proposed use of the site is considered acceptable in principle and in accord with relevant Local Plan Policies, LDF Policies and the NPPF.

Housing Land supply, delivery and housing mix

75. As referenced above, the NPPF at paragraph 61 states that; *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.'*
76. There is an urgent need to bring forward land for housing within South Tyneside given the Council's lack of a 5-year housing land supply with 20% buffer and poor housing delivery over the last 3 years which is substantially below what would be required by Government. In this regard, the proposals for 15 no. residential units, has the potential to positively contribute to addressing the current shortfall.
77. Overall, the urgent need to bring forward land for housing remains a material consideration weighing in favour of the proposals.
78. Local Plan Policy 19 concerning housing mix seeks a mix of house types and sizes. The policy states that housing development shall deliver an appropriate mix of housing types, sizes, and tenures to meet identified needs and to create and maintain mixed and balanced sustainable neighbourhoods by:
- i) Contributing to meeting affordable housing need, market housing demand and specialist housing as identified through the SHMA or its successor documents;
 - ii) Providing an appropriate mix of house types and sizes which enhance local housing options and are acceptable for the site and its location.
79. NPPF paragraphs 63-66 state that proposals should provide for mixed and balanced communities with on-site affordable housing provided.
80. In terms of the size and mix of housing the Council's Strategic Housing Market Assessment (SHMA) 2023 identifies a need for 309 dwellings per annum across the Borough with the SHMA indicating a need for the following overall dwelling mix: 1-bedroom (9.7%), 2 bedroom (32.7%), 3 bedroom (42%) and four / five bedroom (15.6%). Regarding dwelling type, the analysis suggests a broad split of 67.6% houses, 19.3% flats and 13.1% level-access accommodation. As such the proposal would seek to provide for an identified need, as referenced above.

Affordable Housing

81. Local Plan Policy 18 sets out that to meet the borough-wide need for affordable housing, developments of new housing of 10 or more dwellings will be required to deliver affordable housing, where appropriate and viable. In South Shields 10% affordable homes would be sought.

82. LDF Policy SC4 sets out that a range and choice of good quality, energy-efficient and affordable homes will be provided for all. It requires that a minimum of 25% of all new dwellings are genuinely affordable and sets out that this applies to all developments of 15 dwellings or more. This target will, however, be negotiable within reason between sites to ensure genuine affordability and to reflect local housing needs.
83. The 10% affordable housing requirement would be the starting point in this instance given the recent adoption of the new Local Plan and its up-to-date evidence base regarding viability matters from which the 10% figure for South Shields has been derived.
84. Paragraph 65 of the NPPF sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
85. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
86. The vacant building credit applies where the building has not been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:
- the condition of the property;
 - the period of non-use;
 - whether there is an intervening use; and,
 - any evidence regarding the owner's intention
87. Each case is a matter for the collecting authority to judge. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.
88. In doing so, it may be appropriate for authorities to consider:
- whether the building has been made vacant for the sole purposes of re-development; and,
 - whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development
89. The applicant has set out that the former commercial uses to the application site have been vacant for a number of years and accordingly the applicant asserts that the development qualifies for vacant building credit.
90. The ground floor units, 24 and 26 Fowler Street were previously occupied and used as retail shops and both were marketed in May 2024. The upper floors of the building have also been unoccupied, associated with the ground floor use and historically provided

offices and storage. Therefore, the overall site has been vacant for over two years and it is considered that the development would be able to benefit from vacant building credit.

91. Applying the Government formula for Vacant Building Credit to this particular scheme generates 0.27 units and as such it has been identified that a commuted sum, rather than on-site provision is appropriate, to be secured by S106 agreement. The Council's Housing Strategy Team have been consulted on the application and have confirmed agreement to the Vacant Building Credit calculations. Clarification has also been provided in respect of the commuted sum payable with comparisons for studio / 1 bed sales in the area of the development over the last 2 years (June 2024-2026) being identified, with an average value of £83,491. It was clarified that this figure should be used, with an 80% value in calculating the commuted sum required for affordable housing. As such, a commuted sum figure of £18,033.84 has been calculated.
92. Subject to securing the commuted sum, as set out above, it is considered that the proposal would accord with Local Plan Policy 18 and the NPPF.

Design and Visual Amenity Considerations

93. Local Plan Policy 47 concerning design principles seeks to promote high quality design. In this regard development proposals should consider matters of context/identity, built form, movement, nature, public spaces, homes/buildings and lifespan.
94. Local Plan policy 48 relating to shopfronts seeks new shop fronts that respect the character of the building on which they are located and their surroundings and provides details in respect of materials, fascia boards and canopies. The policy also requires an active frontage to the street, seeking external security shutters to be of an open lattice type construction and shutter boxes / housing to be recessed.
95. NPPF Part 12 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.
96. NPPF paragraph 131 states that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process'.
97. Furthermore, NPPF paragraph 137 states 'Applicants should, where applicable, provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy, and should work closely with those affected by their proposals to evolve designs that take account of the views of the community.'
98. LDF Policy DM1 (A) seeks to ensure that developments respect local character and preserve the visual amenity of the area.
99. External changes would consist of a mansard style roof to introduce habitable space within the roof. Proposed rendering and new windows and doors to the west (rear) elevation are also proposed. New conservation rooflights and a new shopfront are also proposed to the east (front) elevation with integrated grille (open lattice style) roller shutter.

100. The proposed mansard roof would be located to the rear and would not be visible from the front, principal elevation of the building due to the height not exceeding the existing ridge height of the property. Whilst the appearance of the rear elevation of the building, and its overall massing would be changed as a result of the proposed works to the rear roof slope, it is considered that the scale, design and materials proposed, using roof tiles to match the existing roof would be acceptable. Proposed openings, both windows and doors are also proposed within the rear elevation. It is considered that the design, proportions and position of these openings would be acceptable. The roof lights have been amended to a single conservation style roof light and the proposed render specification amended to provide for a breathable natural hydraulic lime render, as advised by the Council's Historic Environment Officer. A condition is recommended to require the materials to be in accordance with the details as specified.
101. The existing chimney would also be removed and following advice from the Council's Historic Environment Officer, the stack would be replaced with a prefabricated brick clad chimney to match the existing. The replacement of the existing chimney would be welcomed to retain an existing architectural element to the building.
102. Works also include a new and replacement shop front at ground floor level to the main, front elevation of the building. Proposals include for a new aluminium shop front with integrated open grille roller shutter for security purposes. It is considered that the proposals would be acceptable and represent an improvement to the current arrangement. A condition is recommended in respect of the provision and retention of the grille style shutter in the interests of visual amenity.
103. It is considered that the proposed external alterations, subject to the recommended conditions would not result in significant harm to the visual amenity of the area and the proposals are considered acceptable on visual amenity grounds and in this regard accord with Local Plan policies 47 and 48, the NPPF and LDF Policy DM1 (A).

Impact on Residential Amenity

104. Local Plan Policy 47 requires all development to, safeguard residential amenity. It states that development should not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare, visual intrusion or overdominance.
105. Local Plan Policies 1, 2, 3, 4 also seek to ensure that proposals are acceptable in terms of creating healthy communities, air quality, other forms of pollution such as noise pollution and addressing contaminated land issues.
106. LDF Policy DM1 (B) seeks to safeguard residential amenity.
107. Part 12 of the NPPF requires that a high standard of amenity for existing and future users be provided for. Paragraph 135 (f) of the NPPF states that planning decisions 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.
108. With regards to the impacts upon the residential amenity of future occupiers, given the town centre location, the impact of noise and disturbance from nearby sources must be considered as the surrounding area contains a number of public houses, restaurants and shops as well as the South Shields Interchange.

109. In terms of noise pollution, the applicant has submitted a noise assessment which concludes that the site is exposed to a relatively high existing noise environment arising from road traffic, South Shields Interchange, neighbouring licensed premises and town centre activities. The proposed residential use therefore relies upon acoustic mitigation measures including upgraded glazing, alternative ventilation and enhanced separating constructions between residential and commercial uses.
110. Having considered this assessment, the Council's Environmental Health officer has advised that the report also identifies exceedances of the overheating assessment criteria at the front façade and recommends that a separate overheating assessment be undertaken to determine whether alternative ventilation measures are required and a condition is recommended in this regard. The applicant has advised that a condition would be acceptable with details of the final ventilation and overheating mitigation strategy being submitted to the Local Planning Authority for approval prior to occupation. The applicant has clarified that these details would be included as a Stage 4 Technical Design item in collaboration with their consultants to determine the extent of passive and active ventilation measures.
111. A further condition is also recommended in respect of the implementation of the glazing and construction specification sound insulation measures as detailed in the submitted noise assessment prior to occupation.
112. Subject to the above conditions it is considered that an acceptable internal environment can be provided for future occupants through the provision of mitigation measures to address noise pollution issues.
113. The layout of the accommodation, following the receipt of amendments provide acceptable levels of natural light to bedrooms and other habitable rooms. The basement / ground floor studios would contain split accommodation and the basement accommodation, serving bedroom space would include some glazing to provide satisfactory outlook from such bedrooms. The ground floor level accommodation to the same studios would provide living accommodation, which would be served by further areas of glazing and is also considered to be acceptable. Noting approved developments associated with the adjacent property (22 Fowler Street including the lower floor of which is Riddick's Sports Bar), where a rear external yard and servicing area has been approved, it is considered that there would be a satisfactory relationship between such features and the windows to the basement/ground floor studio apartments.
114. In respect of space within the residential units, the LPA sought clarification on the internal floor areas and in this regard there is considered to be adequate and suitable accommodation for future occupiers.
115. Local Plan Policy 47 states that development proposals should; 'Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.' As such, development proposals should be designed to ensure users have access to adequate internal and external space. National Described Space Standards (NDSS) deals with internal space within new dwellings and the supporting text to Policy 47 identifies that regard should be had to these space standards, where possible.
116. NPPF paragraph 135 states that 'Planning policies and 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

users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Footnote 51 states; '*Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.*'

117. Regard has been had to the Nationally Described Space Standards. These reference floorspaces of 37m² for a 1-bedroom 1 person flat and 50m² for a 1-bedroom, 2 person flat. Only the three basement/ground floor studio units would meet the NDSS floorspace standards. However, there is no policy requirement within the Local Plan to meet the NDSS standards in all instances, and consideration also needs to be given to localised circumstances. In this instance it is recognised that the existing openings (specifically to the front elevation) where these have sought to be retained as existing with no additional openings inserted within the building frontage, due to design considerations represent a constraint and has been a contributing factor and a limitation to the internal layout.
118. Having regard to such local circumstances, the fact that neither Local Plan Policy 47 or the NPPF mandate compliance with the NDSS and bearing in mind the Council's currently deficient housing land supply and delivery situation it is considered that the proposed levels of internal unit space would not be so unacceptable as to warrant refusal of the application.
119. The individual residential units would be afforded use of communal storage area for refuse and cycles. Whilst no on-site external amenity space is provided, the site is in close proximity to a number of outdoor recreational spaces within South Shields such as the riverside, Bents Park, North & South Marine Park and the wider coast/foreshore.
120. In terms of the internal circulation space, each flat would be accessed from a central landing on each floor. The landings would be accessed from staircases providing access to doors on Fowler Street and to the rear within Albermarle Street. The basement would be accessed via a staircase from the ground floor. It is considered that the access layouts throughout the building would be acceptable.
121. The nearest property to the application site with planning permission for upper floor residential accommodation is located immediately adjacent to the north at 22 Fowler Street (the lower floor of which is Riddicks Sports Bar). In respect of residential amenity and any resultant overlooking the proposed apartments would introduce new openings to the rear elevation and further accommodation within the mansard roof, however it is considered that due to the orientation of windows that there would be no direct overlooking or significant loss of privacy to the future occupiers of No.22. To the front elevation the existing openings would be retained with additional roof lights introduced. As such, the outlook and current arrangements would not alter significantly from the existing situation.
122. Based on the nature of the mansard roof extension proposed, the footprint of the building would not be extended, the rear roof height of the property would increase from existing but would not extend above the height of the existing ridgeline. It is not considered that the scale and massing of the mansard roof would be unacceptable and based on the existing scale and massing of the building and that of neighbouring properties, and noting existing openings, it is not considered that the extension and conversion works to the roof space would result in any unacceptable overshadowing or harm to the outlook from the habitable room windows of any existing neighbouring properties.

123. Local Plan Policy 20: Technical Design Standards for New Homes, requires that all residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.
124. In this instance it is considered that it would be impractical and unviable to meet such standards for the proposed development. The majority of the units are located on upper floors above existing retail units which limits the accessibility of those units. The building does not include a lift, and one is not proposed. Introducing a lift (whilst maintaining the existing staircase) would reduce the retail floor area and reduce the overall habitable accommodation, which would impact upon the viability of the scheme. Furthermore, the three apartments that occupy floorspace on the ground floor have accommodation across both the ground floor and basements levels with levels changes within those units which present further constraints in providing for accessible and adaptable dwellings.
125. Overall, it is considered that the property is of a suitable size to accommodate the proposed use and the proposal is also acceptable in terms of residential amenity impacts for both the future occupants of the property and neighbouring occupants in the surrounding locality. Overall, the proposal is considered acceptable in respect of residential amenity matters and in accord with the above-referenced Local Plan policies, LDF Policies and the NPPF.

Impact on Heritage Assets

126. Local Plan Policies SP24, 43 and 45 seek to ensure that proposals have an acceptable impact on designated and non-designated heritage assets.
127. LDF Policy DM6 Heritage Assets and Archaeology relates to the protection, preservation and enhancement of the Borough's heritage assets and their settings.
128. Policy SS12 Protecting the Built Environment Assets of South Shields seeks to protect the heritage assets of South Shields town centre, riverside and foreshore areas and their settings and will promote and encourage schemes and proposals to protect, preserve and enhance these.
129. As referenced above, no. 22 Fowler Street is a locally listed non-designated heritage asset and is noted as being a "substantial 19th Century building". The property to which this application relates is adjacent to this locally listed building. Whilst the application site itself (24-26 Fowler Street) is not identified on the local list, the list is not exhaustive, and it is recognised that there will be other buildings, structures or spaces that are not currently on the list but may nevertheless contribute to heritage significance and local distinctiveness.
130. Local Plan SP24 Criterion 3 identifies that every effort will be made to put heritage assets to viable uses consistent with their heritage significance.
131. Local Policy 45: Development Affecting Non-Designated Heritage Assets, criteria 2 states that development that could affect previously unrecognised heritage assets will be expected to provide sufficient information for any impacts to be assessed.
132. The proposed external works as described above, include the introduction of a mansard roof and new openings to the rear elevation. The existing historic windows and entrance door to the front (east) elevation are proposed to be retained and it is noted that these are a key part of the character and interest of the property.

133. The Council's Historic Environment Officer, has been consulted on the application, and amendments have been made to address a number of design concerns raised relating to the original proposed use of render to the west elevation (and concerns raised over long-term damp) the preferred use of single conservation style roof light units rather than double, and the use of traditional materials to the replacement chimney,
134. It is recognised that whilst the proposal would involve significant alterations to the existing roofline to the rear of the property, the appearance of the principal elevation will remain largely unchanged.
135. In addition, it has been identified that the proposal includes for the insertion of a new shop front to the eastern (front) elevation, which would provide an improvement on the existing situation. Following initial comments in respect of the shop front design in accordance with Local Plan policy 48, the proposals have been amended to include suitable security measures, with a roller shutter designed as an integral part of a new shopfront with the shutter box being hidden behind the fascia and the shutter having an open grille construction.
136. Overall, the proposed change of use is considered acceptable in heritage terms in that it would secure viable re-use of the currently vacant building, and the proposed external alterations are acceptable in terms of their impact on the adjacent locally listed building.
137. The Council's Historic Environment Officer raises no objections to the scheme as amended. Conditions are recommended in respect of materials and the security shutter.
138. Having regard to the above, it is therefore considered that the proposed development would accord with the above-referenced Local Plan, LDF Policies and the NPPF in respect of heritage matters.

Crime and Anti-Social Behaviour Impacts

139. Local Plan policy 15 seeks proposals to address problems of anti-social behaviour and promote crime reduction. LDF Policy ST2 sets out that high quality in sustainable urban living will be promoted by ensuring that the need to design out crime and eliminate the fear of crime has been addressed.
140. Northumbria Police's Designing Out Crime Officer was consulted on the application and Northumbria Police raised initial concerns regarding the use and amount of light to habitable accommodation in the basement, access and the security measures of the retail and residential elements.
141. The layout and openings to the basement accommodation have been amended and details clarified. The basement areas, stairwell (in part) and ground floor refuse storage area would be shared by the retail and residential elements. It is considered that the amendment and additional details have addressed comments received from Northumbria Police and would be controlled and addressed by means of planning condition.
142. Having regard to the above and subject to the referenced planning condition it is not considered that the proposed development would, in and of itself, result in an increase of crime and anti-social behaviour in the area to such an extent as to warrant refusal of this application. The proposal would therefore comply with Local Plan policy 15 and LDF Policy ST2 (F) in this regard.

Impact on Highways Safety/Parking

143. Local Plan Policy SP26 seeks to ensure that development supports sustainable transport and improves accessibility.
144. LDF Policy DM1 (G) seeks to preserve highway safety.
145. There are a number of public car parks located within close proximity to the site within the town centre such as Thomas Street, Denmark Centre, Saville Street, Winchester Street and Charlotte Street.
146. The proposed development does not provide for any in-curtilage parking spaces, which would not differ from the currently approved use where customers, staff and office users would need to use parking elsewhere.
147. SPD6 sets out the maximum car parking standards across the Borough. For dwellinghouses and flats a maximum provision of 1 space per dwelling is sought. However, the SPD further states that there is no automatic expectation that any parking provision should be provided as part of residential schemes in South Shields town centre, which by definition is exceptionally well served by public transport, cycling and footpath links.
148. The application site lies in a highly sustainable location with many amenities within walking distance and there are also a number of public transport links within walking distance of the property. The property is located directly in front of the South Shields Interchange which offers frequent bus services to various destinations and also Metro services to Newcastle every 12 minutes.
149. As a result of the above it is not considered necessary to require the development to provide car parking. Furthermore, it would not be feasible for the applicant to provide in curtilage spaces due to the absence of any external curtilage area within the application site. In terms of the future residents of the development, the lack of on-site car parking would be known prior to the occupation and therefore residents could plan accordingly (using the above-mentioned car parks or other transport modes). Residents would be able to load/unload goods and receive deliveries from the rear of the building. Refuse storage collection would also be undertaken from the rear of the building.
150. In terms of cycle parking, it is proposed that parking for 17 bicycles would be provided within the basement level, 15 spaces for the apartments and 2 for retail unit. Such provision accords with the SPD 6 parking standards. A condition is proposed to secure provision of the cycle parking spaces for the apartments. It would be unreasonable to seek to condition the provision of cycle parking for the retail unit as this forms part of the application site's existing lawful use and as such the retail unit in and of itself does not require planning permission.
151. Waste storage is proposed within a bin storage area at ground floor level, which would be shared between the residential use and the retail unit. A condition is suggested in relation to this area being kept available for refuse storage.
152. The Council's Transport Development Officer (as Local Highway Authority) has been consulted on the application and following initial comments, amendments have been received to address matters originally raised. This included the revision to the application site boundary to remove highway land to the rear of the property, which had originally been included to provide for a shared courtyard with cycle and bin storage. It was advised that the Local Highway Authority would not agree to the stopping up of

highway land or use of the land to facilitate the development and consequently amended proposals to omit this land were received.

153. Following amendments the Council's Transport Development Officer has advised that they have no objections to the proposals and recommend planning conditions in respect of cycle and refuse storage provision and an informative to the applicant concerning no storage of building materials or equipment on the highway to be included on any consent granted.
154. Having regard to the above, the proposal is considered acceptable in respect of highway safety and parking and in accordance with Local Plan policy SP26, LDF Policies A1 and DM1 (G, H and I) and the NPPF.

Biodiversity

155. Local Plan Policies SP21, 33, 34 and 35 seek to safeguard the natural environment, including existing biodiversity and designated sites as well as securing the delivery of Biodiversity Net Gain.
156. LDF Policy EA3 seeks to optimise conditions for wildlife.
157. LDF DMP Policy DM7 states that the Council will protect and enhance the important environmental assets of the Borough.
158. Turning to the NPPF, paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
159. The Countryside Team have reviewed the application and have commented that there are no significant ecological impacts associated with this proposal. They have noted that there is a residual risk of impacts on bats and nesting birds, however these can be addressed through informatives on any planning permission granted.
160. In terms of biodiversity net gain (BNG), given the nature of the proposed development it would not trigger a need for mandatory 10% BNG as the de minimis exemption would apply due to the application site being wholly occupied by a building. However, in order to secure some BNG as per NPPF paragraph 187, it is suggested that 4 no. swift nesting boxes are affixed to the building, which have been detailed on the submitted plans and these could be secured by condition.
160. As the proposal is a form of residential development within the 7.2km zone of influence of the Durham Coast SAC and the Northumbria Coast SPA & Ramsar Site (identified within Local Plan Policy 34 and the Council's updated South Tyneside Recreation Mitigation Strategy), Habitats Regulations Assessment [HRA] pursuant to The Conservation of Habitats and Species Regulations 2017 is a consideration. The Appropriate Assessment undertaken has concluded that the proposal is compliant with these Regulations. Whilst under the Council's updated mitigation strategy a contribution of £737.91 per bedroom would now be sought for HMO proposals, this planning application was received on the 27 June 2025 some time prior to receipt on the 29 June 2026 of the Inspectors Final Report on the South Tyneside Local Plan and the subsequent decision of the Council to adopt the Plan. Therefore at the time the application was being assessed only limited weight could be given to Local Plan Policy

34 and the related Recreation Mitigation Strategy. Given this and in the interests of consistency in terms of the approach taken regarding this matter on other applications received prior to the 29 June, it is considered that this application should be assessed against former Interim SPD23 which required a coastal mitigation contribution of £403 per unit (i.e. £6,045 for the 15 units proposed). The applicant has agreed to this contribution and it would be secured through a Section 106 Agreement. The proposal is therefore considered to accord with the NPPF policy in relation to these designated "habitat sites" and as such there is no strong reason to refuse it in the context of NPPF para. 11 d i and its footnote 7.

161. Subject to the above, the proposal is considered to accord with Local Plan policies SP21, 33, 34 and 35 and LDF Policies EA3 and DM7, SPD23 and the NPPF.

Drainage and Flooding

162. Local Plan Policy 7 seeks to reduce flood risk and ensure appropriate water management.
163. LDF Policy DM1 (K) seeks to minimise and mitigate localised flood risk.
164. The site lies within Environment Agency Flood Zone 1 and is therefore considered to be at low risk of fluvial flooding.
165. The Lead Local Flood Authority (LLFA) advise that surface water flood risk has been identified adjacent to the site, (although not at the site itself). The LLFA have advised that based on the knowledge of flood risk in the area, the applicant's attention should be drawn to the Environment Agency's Standing Advice for Vulnerable Development (and a link has been provided) specifically in regard to extra flood resistance and resilience measures. An informative is recommended in this regard.
166. Northumbrian Water have also been consulted on the application and following clarification being received to initial comments received, they have raised no objections to the scheme subject to a condition concerning detailed drainage matters in respect of discharges from the development and connection to their network.
167. In conclusion it is considered that the proposed development would not result in any significant harm in terms of drainage or flood risk and therefore accords with Local Plan Policy 7, the NPPF and LDF Policy DM1(K).

Sustainability and carbon reduction

168. The application has been accompanied by a Sustainability Report which covers aspects of the proposed development including Energy and Carbon Reduction, Water Efficiency, Sustainable Materials and Construction and Sustainable Transport. The report, whilst not providing any reference figures or calculations to demonstrate the sustainability of the development, makes a commitment to a fabric first approach to maximise energy efficiency and highlights the development's location providing excellent access to public transport.
169. The submitted Sustainability Report identifies that the retention of the existing structure minimises waste and embodied carbon. Policy SP15 of the Local Plan states that development will reduce carbon emissions by embedding sustainable principles into the design, construction, and operation of developments. As such, the reuse of the existing structure would demonstrate that sustainability would be embedded into the design and construction of the proposed development.

170. Local Plan Policy 5 states that all development shall embody sustainable design and carbon reduction measures as far as possible, with an emphasis on a whole life carbon approach. Development which achieves zero carbon will be supported. This Policy goes on to highlight that the use of sustainable materials (those with low embodied carbon) supports carbon reduction. Policy 5 also highlights that developments should follow the energy hierarchy, prioritising energy reduction and energy efficiency.
171. The Climate Change and Sustainability Team have been consulted on the application and have advised that they support the reuse of the existing structure and the applicant's fabric first approach, prioritising energy reduction and energy efficiency in accordance with the Local Plan and the council's boroughwide net zero ambitions.
172. Local Plan Policy 6 states that the incorporation of renewable energy into developments, particularly as part of major schemes, will be supported. The proposed development would include for a gas heating solution, and no solar PV is proposed to the roof and as such the proposal would not be in alignment with the energy hierarchy, where conventional energy is less favourable than renewable and low carbon energy. Whilst the provision of renewable energy generation on major schemes is supported by Policy 6 its provision is not a requirement of the Policy.
173. Local Plan Policy SP15 states that part of the approach to delivering sustainable development will be achieved by facilitating a modal shift in transport by maximising the ability to make trips by public transport, sustainable and active modes of transport and reducing the desirability and necessity of private vehicle ownership and use. The application site is considered to be in a highly sustainable location in close proximity to the South Shields Interchange with options for active travel (bus and metro) and in proximity to ferry links. In addition, the proposed cycle storage will also facilitate this mode of transport. Additionally, there are a wide range of local amenities within close proximity.
174. In conclusion and on balance it is considered that the proposed development would be acceptable in respect of sustainability and carbon reduction and is in accordance with Local Plan Policies 5, 6 and 15, the NPPF and LDF Policies DM1 (J) ST2.

Other Matters

175. 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.
176. 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

177. Having In term of the overall planning balance, significant benefits arise from the proposed development. These comprise its contribution to addressing the Council's current housing land supply/delivery deficiencies and the economic benefits arising from the proposed development in terms of increased footfall for local businesses which would support the vitality and viability of the town centre. Further benefit arises in terms of securing the viable re-use of a currently vacant building and the securing of an off-site affordable housing contribution through the Section 106 agreement.
178. NPPF Paragraph 11 states that decisions on planning applications should apply a presumption in favour of sustainable development The tilted balance in NPPF paragraph 11 applies in respect of determination of this application. This means in respect of this application approving development proposals that accord with an up-to-date development plan without delay or 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 the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
179. The areas or assets of particular importance referenced in footnote 7 to paragraph 11 which apply in respect of this site are the nearby internationally designated coastal habitats sites and heritage assets and as stated above the proposals are considered acceptable in terms of their impact on such assets.
180. Overall, the application of policies in the NPPF that protect internationally designated coastal habitats sites and designated heritage assets do not in this instance provide a clear reason for refusing the development proposed. Furthermore, there are not considered to be adverse impacts which would significantly and demonstrably outweigh the substantial benefits arising from the proposed development. As such, it is considered that the application should be supported.
181. The proposed development would be acceptable in principle, and in terms of its impact on residential amenity, heritage assets, visual amenity, crime and anti-social behaviour, highway safety and parking, biodiversity, drainage and flood risk and sustainability.
182. Having regard to the above assessment, the proposal is considered acceptable subject to a S106 agreement to secure the above-mentioned affordable housing and ecology coastal mitigation contributions and the conditions as set out below.

Recommendation

That Planning Committee be Mindful to Grant Permission, subject to:

- (1) The completion of a legal agreement pursuant to s106 of the Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £6,045 to mitigate the impacts of increased recreational disturbance at the coast arising from the proposed development; and £18,033.84 in respect of an off-site financial contribution towards affordable housing.
- (2) With the Senior Manager – Planning being authorised to issue the planning permission following completion of the Section 106 Agreement, subject to the recommended planning conditions below (and subject to any minor drafting or typographical amendments to these being delegated to the Senior Manager – Planning, if necessary).

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 Plans Drg. no. 24.037-CA-XX-XX-DR-A-20_03 Rev P4 received 22/06/2026

Proposed Elevations and Sections Drg no. 24.037-CAL-XX-XX-DR-A-20_04 Rev P2 received 22/06/2026

Proposed Site Plan Drg no.24.037-CA-XX-XX-DR-A-90_03 Rev P2 received 22/06/2026

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 No residential unit hereby permitted shall be occupied unless and until the glazing and construction specified sound insulation measures found in tables 4 and 5 and paragraph 3.3 of the Residential Noise Assessment by Nova Acoustics (Project Reference No: NP-012418) received 22/12/2205 has been provided. Thereafter such noise mitigation measures shall remain in place at all times.

In the interest of the residential amenity of future occupiers and in accordance with Local Plan policy 47, the NPPF and South Tyenside LDF Policies EA5 and DM1.

- 4 No residential property hereby permitted shall be occupied until a ventilation and overheating assessment has been submitted to and approved in writing by the Local Planning Authority and any recommendations in that assessment regarding ventilation and overheating mitigation measures have been implemented in full. Thereafter such mitigation measures shall remain in place at all times.

In the interest of the residential amenity of future occupiers and in accordance with Local Plan policy 47, the NPPF and South Tyenside LDF Policies EA5 and DM1.

- 5 Prior to the first occupation of the residential dwellings hereby approved, the cycle parking and bin storage areas for those dwellings as shown on Proposed Plans Drg no. 24.037-CA-XX-XX-DR-A-20_03 Rev P4 received 22/06/2026 shall be implemented in full and shall be retained as such at all times thereafter.

To promote sustainable transport choices and in the interests of visual amenity in accordance with Local Plan Policy SP26, the NPPF and South Tyneside Local Development Framework Policies DM1 and A1, and the Council's SPD6 Parking Standards.

- 6 Prior to the first occupation of the residential properties hereby approved, the 4 no. swift boxes as detailed on Drg no. 24.037-CA-XX-XX-DR-A-20_04 Rev P2 received 22/06/2026 shall be installed and thereafter those swift boxes shall remain in place at all times.

In the interests of biodiversity in accordance with Local Plan policies SP21, 33, 34 and 35, the NPPF, and South Tyneside LDF Development Management Policies DM7 and EA3.

- 7 Prior to the first occupation of any of the residential properties hereby permitted details for the permanent control of the shared access route to the neighbouring, adjacent property at first and second floor level shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved means of control shall remain in place at all times.

In the interests of safety and security in accordance with Local Plan Policy 47, the NPPF and South Tyneside LDF Development Management Policy DM1.

- 8 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development, including basement level, hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with Local Plan Policy 7, the NPPF and South Tyneside LDF Development Management Policy DM1(K).

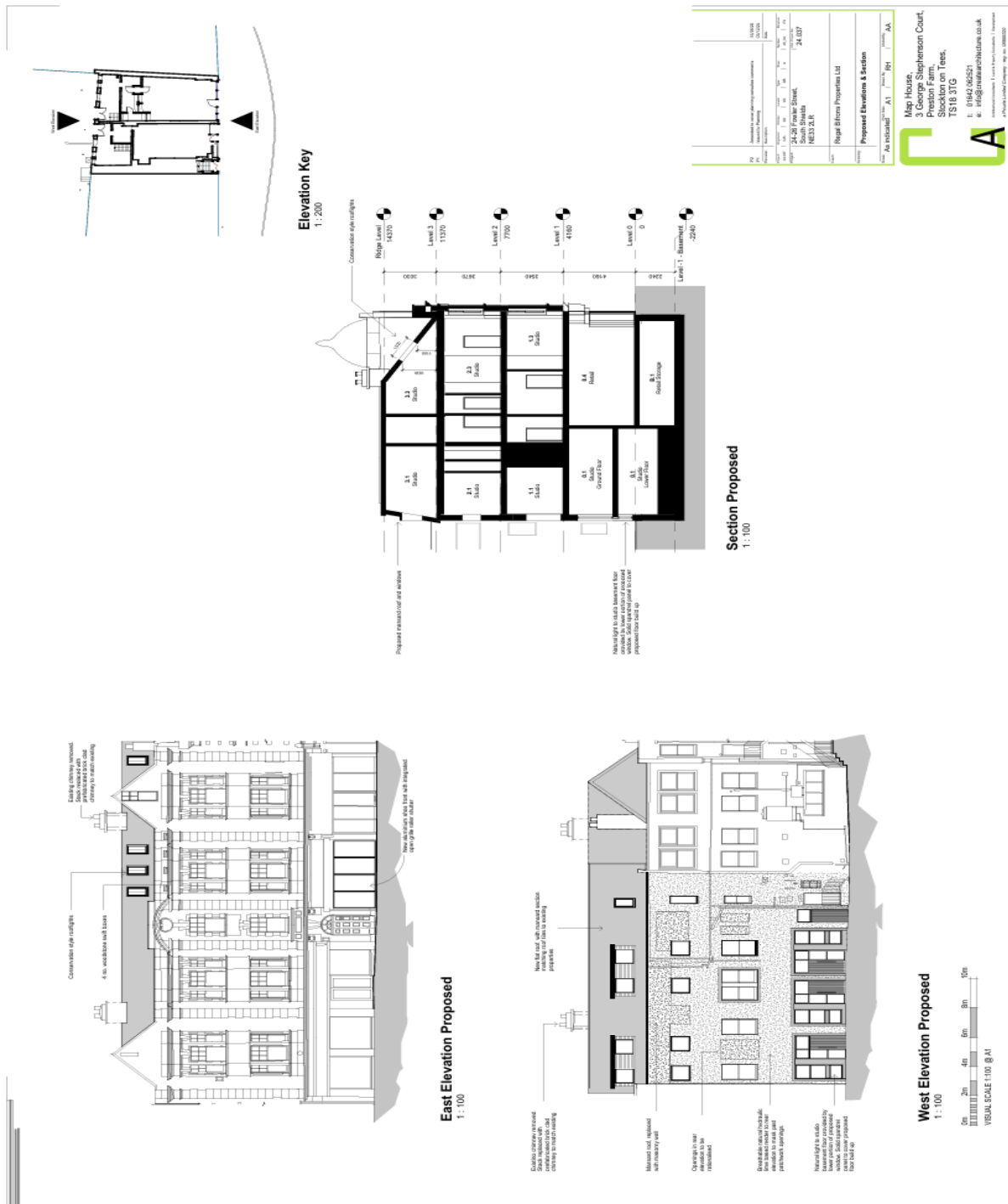
- 9 The external surfaces of the development hereby permitted shall be as per those detailed within the plans listed in condition 2.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Local Plan policy 47, the NPPF and South Tyneside LDF Development Management Policy DM1.

- 10 The external roller shutter to the ground floor retail unit shall be of an open grille design as detailed within the plans listed in condition 2 and thereafter retained as such.

To ensure a satisfactory standard of development and in the interest of visual amenity in accordance with Local Plan policies 47 and 48, the NPPF and South Tyneside LDF Development Management Policy DM1.

Plan 1 – Proposed Elevations and Section



Plan 2 – Proposed plans



Photograph 1 – front elevation.



Photograph 2 - wider street scene, Fowler Street.



Photograph 3 – rear elevation.

