South Tyneside Council

Reference:	ST/0037/24/FUL
Location:	St Marks Church Randolph Street Jarrow NE32 3AQ
Ward:	Primrose
Description:	Partial change of use from St Mark Church to a proposed 6 bedroomed secure residential institution (use class C2A) and the provision of manager accommodation. Alterations to provide first floor accommodation and accommodation in the roof (managers accommodation only). Retrospective consent for a private gym (use class E) at ground floor level and proposed external alterations including the insertion of new doors and windows, a new external fire escape to ground floor and first floor levels and boundary enclosures.
Recommendation:	Grant Permission with Conditions
Case Officer:	Helen Lynch
Case Officer Contact No.:	0191 4247408 or 07741106225

Description of the Site

This application relates to the former St Marks Church, a stone-built former church that stands on the junction of Randolph Street and Salem Street, Jarrow.

The area is predominantly residential however, directly to the east is open space, a public linear park that extends from Howard Street with the Tyne Crossing (New Tyne Tunnel) located underneath the surface. To the southwest is St. Bedes Primary school.

The application site is not a listed building but since 2022, when the Local List was updated, the site has been added to the Local List of buildings of special architectural or historic interest. The Local List is a list of buildings, structures, parks and gardens (including cemeteries and open spaces) that have special architectural or historic interest which is an important part of the Borough's heritage. The Local List is different to listed buildings and registered historic parks and gardens; it is not a statutory designation and is not supported by any legislation but is still a material consideration in deciding planning applications against local plan policies.

The Local List does not include extensive commentary on the building but does provide the following information: ‘Built in 1894 by Lamb, Armstrong & Knowles.’

The application site is located within the boundaries of the Jarrow Area Action Plan but outside the identified town centre boundary. The site is located adjacent to land identified as being safeguarded for the New Tyne Crossing Construction (completed).

Description of the Proposal

The application seeks planning permission for a partial change of use from St Mark Church to a proposed 6 no. bedroomed residential institution (use class C2A) and the provision of manager accommodation. The application also includes for alterations to provide first floor accommodation and accommodation in the roof (managers accommodation only). Retrospective consent is also sought for a private gym (use class E) at ground floor level. Further operational development in the form of a new external fire escape to ground and first floor levels are proposed alongside boundary enclosures and new door and window openings.

The application has been amended following its initial submission to address matters including architectural detailing and design, clarification on the existing and proposed uses, and revisions to remove elements, including a new vehicular access for the provision of in curtilage car parking originally included with the proposals, but removed to address concerns and comments raised from the Historic Environment Officer and Local Highway Authority. Most recently the application has been amended to provide the location and specification of cycle storage to serve the gym and C2A use and details for the installation of a privacy screen to the external staircase.

Of specific note in respect of amended / additional details provided are matters related to the proposed uses and the existing uses within the building. The planning history to the application site is summarised below. As this sets out, an application was received for the change of use of the church to a dwelling house with attached granny annexe located within the adjacent former Church Hall. The use of the annexe for residential accommodation has been implemented, however whilst some operational development works were commenced in respect of the dwellinghouse to the main church building, the building was never occupied for this purpose.

The applicant has advised that the ground floor of the building has been used as a private gym since 21/02/2014. It has been clarified that the use has involved personal training and small group training, alongside teaching and training to other gym instructors to gain experience in different disciplines. The business has not operated as a 'drop in gym' where people can attend without prior booking. The gym has operated as a private gym where bookings to scheduled classes / sessions are required, and individual and guided groups are set workouts which are demonstrated and taught by an instructor who supervises the session. The applicant has advised that the business operates Monday to Saturday with varying opening hours over these days. A timetable of classes, alongside clarification within a submitted noise assessment report, have been provided, which details that classes run between the hours of 06:00 to 10:15 and 17:30 to 19:10, Monday to Saturday. The gym includes for various equipment and includes kettlebells, punching bags, bodyweight and cardio equipment. The ground floor area includes different surface treatments, with an area of astro turf and an area of rubber gym flooring. The premises also includes a PA speaker unit, with amplified music being played during classes.

A site visit to the property by the case officer has confirmed that this private gym use is operational. The applicant and the occupier of the ground floor gym have provided

supporting evidence to confirm that the use has been operational since 21/02/2014 including advertisement details, tenancy agreements and business rates.

The application also includes proposals for the introduction of residential accommodation – a 6-no. bedroomed secure residential institution (use class C2A) and the provision of manager accommodation associated with this proposed use, which would comprise an entrance doorway leading to a kitchen at ground floor level, a lounge and shower room at first floor level and within a newly created mezzanine level, a bedroom. The proposed C2A use would be located within a newly constructed first floor mezzanine level to the property. The floor area would span the existing building (excluding annexe) and would provide 6 no. private bedroom spaces, 3 no. shared wet room / shower room facilities, a kitchen, laundry room, communal living space with soft play / sensory area, staff accommodation, office space, secure access areas / corridor space behind an internal doorway and lift / staircase from the independent entrance doorway at ground floor level.

Due to the mix of uses proposed, including ground floor private gym and residential accommodation to the first floor (both managers accommodation and a secure residential institution - use class C2A) the application has been supplemented by a noise assessment.

The proposal also includes for external alterations to facilitate the changes of use including external fire escape, new openings and the erection of boundary enclosures within the site to delineate and subdivide external spaces to the various proposed / existing uses including the routes of access to independent entrances.

The case officer site visit, alongside confirming the use of the ground floor as a private gym, also clarified that some operational development associated with the previously approved development to the application site (as summarised below) and that proposed to provide managers accommodation (an entrance doorway and openings) has been commenced.

Relevant Planning History

The planning history of the site is as follows:

ST/0074/10/FUL - Proposed change of use to dwelling house with attached granny annexe and new vehicular access at North East elevation.
Granted permission subject to conditions.
Permission was granted for the conversion of the church to a residential dwelling with a separate granny annexe located within the existing church building and hall.
The approved plans showed the main church building to be converted to comprise on the ground floor an entrance hall, living room, family room, dining area and kitchen, study and a swimming pool. To the first floor (mezzanine to be created) three bedrooms (two having an en-suite facilities), a separate family bathroom, study and den rooms were proposed. In addition, the plans identified an open gallery with snooker table.

The approved granny annexe, single storey building (former church hall) included a living room, kitchen/diner and one bedroom with en-suite. The plans detailed independent and separate access to the proposed dwelling within the converted church. The granny annexe also included external alterations; a pitched roof with three conservation type windows.

Alterations to convert the building were also approved, including to the southwest and south east elevations ground floor folding double doors, and an additional window in the north west elevation and replacement door with a window (part) in the southeast elevation. In the roof

four conservation type roof windows in the southeast elevation and six in the northwest elevation were approved.

A new vehicular opening was also approved within in the northeast elevation boundary wall/fence with parking in front of the granny annexe. New stone pillars and metal gates were proposed to form the new vehicular access.

This planning permission has been partially implemented, with the annexe accommodation having been completed and occupied. The new vehicle access has not been implemented. However, some of the external alterations to the building have been undertaken and have been incorporated into the current proposals, with additional changes to facilitate the current proposals and existing / proposed uses within the building.

ST/1666/11/NMA - Application for Non-Material Amendment in relation to approved planning application ST/0074/10/FUL for additional and repositioned conservation roof windows, the removal of previously approved sliding folding doors and installation of 3no. sun tubes.
Granted permission.

ST/0104/17/FUL - Change of use and enclosure of land adjoining Old St Mark's Church Annex to form part of the private residential garden curtilage of St Mark's House and erection of a 1.8 metre high vertical feather timber boundary fence to enclose the land.
Granted permission subject to conditions
This application relates to Land Adjoining the current application site and the St Mark's Church Annexe.

Summary of Consultation Responses

Community Safety
No issues from Community Safety/Crime and Disorder perspective.

In terms of crime and disorder risk minimisation, recommend that a robust management plan is in place and submitted with this planning application covering the following points;

- The property must be continually covered by fully monitored CCTV cameras monitoring the front and rear doors so that all coming and goings are observed.
- Residents are to be signed up with and Excluded License to Occupy, which includes clauses related to their behaviour such as; Ensuring they are responsible for the conduct of their guests who are generally not to be left unaccompanied.
- Not to allow visitors to cause a nuisance or annoyance to neighbours.
- Not to allow visitors to commit any form of harassment or commit an act which may interfere with the peace and comfort of residents, visitors or neighbours.
- Not to play loud music or use any equipment causing a nuisance to another resident or persons in the neighbourhood. In short there must be specific house rules that cover the topics outlined above.

Additionally, the Landlord must;

- Have a robust Anti-Social Behaviour Procedure, which sets out an escalating series of waring and behaviour agreements until finally a resident runs the risk of having a notice served on them and their licence revoked resulting in their immediate removal from the Property.
- If residents breach their license conditions and cause nuisance to other residents or neighbours the landlord will ask them to leave

- In cases of violence or threats of violence to other residents at the Property or to surrounding neighbours the landlord will ask the resident to leave immediately without notice.

Northumbria Police

Northumbria Police would like to offer the following comments with regard to the security and crime prevention.

As the development is going to be a residential home we would like to request that a comprehensive management plan is created and supplied to the police, this document should include an eviction process as well as the residents requirements while in the living at the facility (to include drug and alcohol requirements) and include:

- Visitor access for residents to include the restriction of times that visitors can access the facility.
- Missing policy
- Statement of purpose for staff
- Sudden death policy
- Vetting and assessment plan to include risk management plan for residents.
- Left personal property if either abandoned or is evicted to be recorded both via video while clearing the and in hard copy form and stored so if the individual returns there is no ability for the individual to claim that theft has occurred, and cash or valuables to be stored securely in a safe or securely locked cabinet.

For the physical security of the development we recommend that the main doors has an access control system which can only be opened via a staff member, CCtv to cover the exterior of the building so not to allow items to be passed in to the building without the staffs knowledge, internal CCtv covering the communal areas and exit doors this is to have an audio element as well, all staff to be trained in the downloading of footage to allow swift production and collection of this footage by police.

Residence officer to have a door return, magnet lock and manual lock to create a safe place for staff if necessary and to allow sensitive record storage.

Tree team

I'm generally comfortable with the tree protection set out in the tree protection plan, I would be happy to support the proposal with conditions to ensure compliance with the arboricultural reports/plans.

Environmental Health (land contamination)

No comments in relation to land contamination

Environmental Health – Lead Local Flood Authority (LLFA)

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

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

The proposed development site is not considered to be at low risk of surface water flooding, identified in the Environment Agency's flood risk maps.

Environmental Health - Private Sector Housing and Residential Services

The proposed use of this property would make it exempt from HMO licencing and have no further comments to add.

Countryside

My comments on this application relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has submitted the following documents relating to ecology to inform their application, other submitted documents will be used to form a full response but may not be listed below:

- Daytime Bat Walkover Survey. St Mark's Church, Salem Street, Jarrow, South Tyneside, NE32 3AQ. Report Reference TE2024-NZ33126514/DBW/Final-1.0, 9th April 2024 by Tyne Ecology.
- Ecological Impact Assessment – Bats and Birds. St Mark's Church, Salem Street, Jarrow, South Tyneside, NE32 3AQ. Report Reference TE2024-NZ33126514/EclA/Ver-1.0, 5th June 2024 by Tyne Ecology.

The building was assessed internally and externally by a suitably qualified professional during a survey on the 3rd April 2024. As per section 2.13, the main roof was inaccessible to survey but this was taken into account when organising further surveys. The report concluded that the building was of moderate suitability to support roosting bats. Two further surveys were recommended and were undertaken on the 9th May 2024 and 31st May 2024. No bats were observed emerging from the building.

I am satisfied that the ecological survey work undertaken is in accordance with good practise and is adequate and appropriate to support this planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development however as bats are highly mobile animals, there remains a residual risk that bats could be found during works. A precautionary working method statement has been provided in appendix 8 of the submitted report and must be provided to all contractors working on the project in order to safely undertake proposed works. This must be secured by condition.

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

Bat Informative
All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should a bat or signs of bats be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution. Natural England Bat Advice Line: 0345 1300 228

Breeding Bird Informative
Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

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. The Case Officer should seek to secure the inclusion of a feature such as:

- An integrated Swift Brick (an example of which can be found here: https://www.nhbs.com/manthorpe-swift-brick) in the build itself following the below criteria:
    - Under the eaves on the northern or eastern aspects
    - A clear flight line must be available to the nest
    - Not placed directly above windows or doors
- An externally fitted bird box following the below criteria:
    - Under the eaves on the northern or eastern aspects
    - A clear flight line must be available to the nest
    - Tilt the box slightly forward so rain is less likely to enter the box
    - Not placed directly above windows or doors
- An integrated bat box within the build itself. Information and a suggested product can be found on the Bat Conservation Trust website; https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes/external-ready-made-bat-boxes-integrated-bat-boxes
- There are several guidelines which must be followed to enable the box to be a useful enhancement feature:
    - Tucked beneath the eaves, at least 4m above the ground
    - Not placed directly above windows or doors
    - Away from artificial light sources
    - Placed on the western or southern aspect of the house (this shelters them from strong winds and exposes the bat box to the sun for part of the day).
- Bee Bricks integrated within the building. These are inexpensive, easily concealed within a building and provide suitable habitat for a range of species. An example of which can be found here:
    - https://www.greenandblue.co.uk/products/bee-brick

Highways

The amended scheme proposed has been reviewed and is found to be acceptable.

- Highway Safety:

  No highway safety concerns are envisaged.

- Parking:

  The amended submission removes the previously proposed single in-curtilage car parking space from the scheme, leaving the highway carriageway to be utilised for parking associated with the scheme. This is acceptable.

- Highway Works:

  No highway works are proposed.

Recommended that an informative is attached to any grant of consent in respect of not storing building material or equipment on the highway.

Historic Environment Officer

I refer to the amended scheme. I previously raised concerned in relation to a few aspects of the original scheme, including vehicular access and the potential loss of decorative stonework.

It is noted that the proposed vehicular access to the site has been omitted and that the existing fencing is to be retained and repaired.

I would still identify the proposed removal of existing window openings and associated stonework. As indicated on the Amended Proposed South Easterly Elevation drawing, the intention is to remove existing windows and openings and essentially rebuild a significant portion of this elevation with a larger number of windows over two storeys. Whether this is acceptable will form part of the overall planning judgement.

Environmental Health - noise

A noise assessment has been provided in support of this application for a retrospective consent for a private gym and a partial change of use from a church to a residential institution.

The noise assessment has a number of factors to consider –

- Noise breakout from the gym with consideration of nearest residential receptors
- Noise impact of the gym on the proposed residential institution to the first floor, both internally and externally transmitted, through the floor and through windows.
- Existing ambient noise impact on residential institution and managers accommodation.

The noise assessment has suitable methodology to assess these impacts above.

Noise breakout from the gym with consideration of nearest residential receptors

It can be noted that we have not received any noise complaints from surrounding residents relating to the ongoing use of the private gym.

The consultant has taken noise measurements during the fitness classes ongoing at the gym. The measurements have been taken inside the fitness studio and a prediction methodology undertaken to assess impact at all nearest residential receptors. This method was chosen as the consultant felt that the dominant noise source in the area during the fitness classes period continued to be road traffic noise from the surrounding network. The outcome of this assessment is that there would be no impact on the residential receptors, this is of course borne out in the fact that we do not receive complaints regarding noise from the gym.

However, the prediction methodology does assume that all glazing units at the gym are in good condition, which the consultant notes is not the case. The noise assessment does state that the glazing units at the gym are to be upgraded as part of this development process.

Noise impact of the gym on the proposed residential institution to the first floor, both internally and externally transmitted, through the floor and through windows

The consultant has considered the impact of the use of the gym on the proposed residential use to the first floor and provided a flooring specification that will achieve the required noise levels within the residential units. However, post installation testing is necessary to ensure that structure borne noise does not impact on future residential occupiers of the units. I would recommend a condition is added to consent, if you are minded to grant, to ensure that a noise assessment is undertaken from within the residential units once the mezzanine floor is in place, to ensure that structure borne noise is mitigated if necessary prior to first residential occupation.

Existing ambient noise impact on residential institution and managers accommodation.

A suitable noise assessment has been carried out to predict levels of noise within residential units and managers accommodation as a result of the ambient environmental noise.

The consultant has provided the specification required for upgraded glazing and ventilation in section 5, table 9. I would recommend a condition is added to ensure that the glazing and ventilation specification is installed.

South Tyneside Council - Commissioning and Quality Innovations Manager – Children & Young People's Services

We have no objection to the development of service but would be keen to understand and know the provider in advance.

Case Officer comment: Contact details have been provided (with the applicant's consent) to commence discussions.

Summary of Representations

Following the receipt of amended and additional details through the assessment of the application, including amendments to the description of development to ensure this accurately reflects the development / proposals sought, re-publicity and re-notification, by way of site notices and letters to individual neighbours has been undertaken in accordance with the Council's Statement of Community Involvement.

No representations have been received.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy (CS) 2007, a Development Management Policies (DMP) document 2011 and Jarrow Area Action Plan September 2010.

The following policies of the LDF are relevant to this planning application:

ST1 – Spatial Strategy for South Tyneside
ST2 – Sustainable Urban Living
A1 – Improving Accessibility
E1 – Delivering Economic Growth and Prosperity

SC1 – Creating Sustainable Urban Areas
SC2 – Reviving our Town Centres and other Shopping Centres
SC3 – Sustainable Housing Provision
SC4 – Housing Needs, Mix and Affordability
EA1 – Local Character and Distinctiveness
EA3 – Biodiversity and Geodiversity
EA5 – Environmental Protection
DM1 – Management of Development
DM6 – Heritage and Archaeology
DM7 – Biodiversity and Geodiversity Sites
J6 – Retailing Opportunities in Jarrow Town Centre
J9 – Living in Jarrow

The following Council planning guidance documents are also relevant to this planning application:

SPD1: Sustainable Construction and Development
SPD6: Parking Standards
SPD21: Locally Significant Heritage Assets

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 is now progressing towards Main Modifications consultation following receipt of the Inspectors post-hearing letter. 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:

i the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
ii 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,
iii the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy SP2: Strategy for Sustainable Development to meet identified needs (very limited)
- Policy SP3: Spatial Strategy for sustainable development (very limited)
- Policy 3: Pollution (significant)
- Policy 5: Reducing energy consumption and carbon emissions (very limited)
- Policy 7: Flood Risk and Water Management (significant)
- Policy SP16: Housing Supply and Delivery (very limited)
- Policy 17: Specialist Housing – Extra Care and supported housing (limited)

- Policy SP17: Strategic Economic Development (very limited)
- Policy SP20: The Hierarchy of centres (limited)
- Policy SP21: Natural Environment (significant)
- Policy SP24: Heritage Assets (limited)
- Policy SP26: Ensuring Vitality and Viability in Town, District and Local Centres (very limited)
- Policy 35: Delivering Biodiversity Net Gain (limited)
- Policy 43: Development Affecting Designated Heritage Assets (very limited)
- Policy 45: Development Affecting Non-Designated Heritage Assets (very limited weight)
- Policy 47: Design Principles (very limited)
- Policy SP26: Delivering Sustainable Transport (very limited)

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

Assessment

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

- NPPF tilted planning balance and Principle of development
- Housing land supply/delivery
- Design, visual amenity and heritage
- Impact on residential amenity including noise, security and anti-social behaviour
- Land contamination
- Flood Risk and Drainage
- Highway safety and parking
- Ecology – biodiversity, landscaping and trees

NPPF tilted planning balance and Principle of development

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

> c) approving development proposals that accord with an up-to-date development plan without delay; or
>
> d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
>
> > i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
> >
> > ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing

well-designed places and providing affordable homes, individually or in combination.'

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

This means that greatest weight must be given to the NPPF as a material consideration in deciding this planning application. 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.

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. The application of some "Footnote 7" policies, for example Green Belt, requires all relevant planning considerations to be weighed in the balance. In those cases, because the outcome of that assessment determines whether planning should be granted or refused, there is no requirement to apply limb (ii) in addition to limb (i).

In relation to limb (i) it is the Footnote 7 reference to "designated heritage assets" that applies to the application / proposal.

This means that greatest weight should be given to the NPPF as a material consideration in deciding this application.

Paragraph 135 of the NPPF states that planning decisions should promote and support the development of under-utilised … buildings, especially if this would help to meet identified needs for housing.

Principle of uses

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

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

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

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

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

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

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

As detailed above, the application proposes a mix of uses within the property, residential accommodation – both C2A use and associated managers accommodation and a private gym.

Use Class C2 (residential institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended) relates to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. This use class also has a sub category C2A for 'secure residential institutions', for which permission is sought. The Use Classes Order defines C2A uses as - Secure residential institutions **"**Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks."

There are not any permitted development rights to change from or to a C2A use from/to any other use class. This would require planning permission. The one exception to this is use Class T, which allows a change of use from a C2A use to a state funded school.

The applicant has provided additional details in respect of the proposed C2A use, which would provide 6 no. bedrooms for mothers and children to be used as a residential assessment centre. The applicant has provided a supplementary supporting statement to detail the proposal. This details that the centre would be used to complete residential family assessments where there are concerns regarding the ability of parents/carers to meet the needs of their children. Each family would be assigned their own key worker who would work with them to identify difficulties and manage solutions. Parents are encouraged to be the sole carer for their children to ensure that they can learn and develop their parenting skills and ability of which ensures that children are not exposed to multiple carers, and the parent/carer is able to gain confidence more readily in their abilities.

It has been confirmed that residential assessments will typically be delivered over a 12-week period, offering comprehensive and individualised packages of care and support. The assessment process will incorporate all aspects of an individual's parenting.

The applicant has clarified that subject to planning approval, the property / use would need to be registered with Ofsted as a Residential Family Assessment Centre. The applicant has

confirmed that the Centre would be required to meet all the legal requirements as set out in the following:

- Care Standards Act 2000
- The Care Standards Act 2000 (Registration)(England) Regulations 2010
- The Residential Family Centres Regulations 2002

The applicant has identified that they would be working with and liaising with Local Authorities including South Tyneside in respect of commissioning / tenancy. South Tyneside Council Commissioning have been notified of the planning application and contact details shared to allow for more detailed discussions around commissioning to take place. This process is separate and independent from the LPAs assessment and determination of the planning application.

The applicant has advised that a registered Manager would be employed alongside a Social Worker to complete assessments. The applicant has clarified that staffing would also include a Deputy Manager, 3 no. senior residential care officers and 6 no. residential care officers, with the building being staffed 24 hours a day, seven days a week, with staff facilities being included and further on-site manager accommodation proposed.

In respect of the 'secure' element of the proposal, following further clarification from the agent, it has been advised that the proposed residential assessment centre would not be secure in the sense of detention or restriction under the Mental Health Act, nor would residents be sectioned, detained, or prevented from leaving the accommodation. The reference to C2A relates to the management and safeguarding framework of the accommodation rather than physical or legal restraint.

Any security measures would be limited to standard safeguarding and management arrangements appropriate to a residential family assessment setting, such as controlled access for visitors, staff supervision, and procedures to ensure the safety and welfare of mothers and children during the assessment period. Residents would occupy the accommodation voluntarily as part of an agreed residential family assessment programme, typically over a 12-week period, and would not be subject to locked accommodation, secure perimeters, or custodial controls.

The application site has not been in residential use (save the annexe, outside the application site boundary), however the former planning approval for the site for use as a dwelling is a material consideration. The proposed change of use to part of the property for a C2A use alongside managers accommodation would introduce a form of residential accommodation within an area predominantly residential in nature.

Referring to the definition of a C2A use above, it is recommended that due to the inclusion of other types of 'secure residential institutions' within Use Class C2A in addition to the specific use proposed for a residential family assessment centre, that a planning condition should be attached to the grant of permission to limit the use of the premises to a residential family assessment centre (Use Class C2A) and for no other purpose (including any other purpose within Class C2A of the Schedule to the Town & Country Planning (Use Classes) Order 1987. It is considered that an alternative use to the premises would require further assessment specifically in terms of residential amenity, highway safety and car parking, as standards differ between types of use (as set out in SPD6 Parking Standards guidance). The applicant has been advised of this recommended condition prior to the determination of the application and raised no objection or comment.

In respect of the proposed managers accommodation, this would have a separate and independent access and could therefore be occupied independently from the other uses within the building. However, it is considered that based on the proposals description which refers to managers accommodation that this would prohibit its use to any other form of occupancy and is therefore restricted to be incidental or ancillary to the C2A use.

The application site is located within the built-up area of Jarrow. The site is located within a predominantly residential area and is in close proximity to local facilities, including shops, schools, local parks and public transport bus stop and the metro station. The site has good connectivity to the strategic highway network across the borough. It is considered that due to the sustainable location of the site, this would be an appropriate location.

In considering the principle of the development the suitability of the property for its proposed uses needs to be considered including the amount of external space. External amenity space has been identified for the proposed C2A use and access / external space (and bin storage arrangements) for the private gym and managers accommodation. Whilst the external space would not be substantial for the proposed C2A use, there would be provision, and it is noted there are no planning policy requirements for such uses or similar residential care accommodation to provide a specified area for external amenity space. The application site is located in close proximity to public amenity spaces and parks, which would be available for use.

Furthermore, in respect of internal space, the applicant's submitted layout plan identifies that the property would provide separate bedroom accommodation for each individual mother and child, communal space (with soft / sensory play space), a kitchen, laundry, wet / shower rooms and staff accommodation / office. There are no planning policy requirements for a specified amount of internal accommodation. It is considered that the proposed residential unit proposed for managers accommodation would be of a suitable size and would provide adequate internal amenity space taking into account Nationally Described Space Standards, which set out minimum dwelling floorspace sizes per bedroom and bedspaces and internal storage requirements. Furthermore, habitable accommodation would be served by natural light and ventilation to individual rooms.

A C2A use is a form of residential use, and is not, as a matter of general planning land use principles, considered to be an inappropriate use within a locality such as that surrounding the application site which predominantly hosts residential properties. Whilst the wider locality provides access to local services.

The NPPF at paragraph 63 supports a mix of housing type and tenure and to promote healthy, inclusive and safe places which promotes social interaction, including for meetings between people who might not otherwise come into contact with each other and it is considered that the proposed development would accord with the aims of this paragraph. The overall development would also accord with Policy 135 (f) of the NPPF in terms of creating a safe, inclusive and accessible development which would promote the health and wellbeing of its residents. Policy SC4 of the Core Strategy also supports a balanced mix of tenure and housing types and seeks to ensure that housing meets the requirements of special needs groups where there are a genuine and proven need and demand. In respect of policy SC4, the change of use would be for a niche and specific use. The proposal would contribute to providing a balanced mix of housing in accordance with Policy SC4 and would assist in meeting particular housing needs and provide a range of housing types which is supported by the NPPF at paragraph 63, including the development of housing-with-care.

Policy A1 of the Core Strategy seeks to support public transport, walking and cycling initiatives that maximise the accessibility of new development. It is considered that due to the sustainable

location of the site, this would be an appropriate location to accommodate future residents and staff and would be in accordance with the aims of paragraph 96 of the NPPF with regards to being safe and accessible, and paragraph 115 of the NPPF which promotes sustainable transport and seeks to ensure that safe and suitable access to the site can be achieved for all users.

In conclusion, it is considered that the principle of change of use would be acceptable, with the proposed CA2 use being a form of residential accommodation in a residential area which is in a sustainable location and would provide good access to amenities and facilities and is considered to comply with LDF Policies A1, SC1, SC3, SC4 and ST1, and the NPPF with regard to these considerations.

Ground floor use – private gym

In terms of the partial use of the building as a gym (for private tuition), the evidence provided to support the application from both the applicant and operator of the private gym, states that it has been operational for a period of over 10 years. The submitted details set out that the use has been operational and in continuous use over this time and it is therefore considered that the use is lawful (and immune from any enforcement proceedings).

Based on this, the application has not been accompanied by a sequential assessment. Following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (which made amendments to the Town and Country Planning (Use Classes) order 1987), Use Class E now includes, amongst other things, gym uses (E(d)). However, a gym use is classified as a main town centre use, as defined by the National Planning Policy Framework (NPPF). The application site is not located within the designated town centre. The NPPF states that main town centre uses should be located in town centres, then sequentially in edge of centre locations and then out of centre sites. As the partial use of the premises for use as a private gym is considered to be lawful then the application does not need to be accompanied by a sequential test, which would have to demonstrate that there are no 'sequentially preferable' building /sites within the designated town centres that could accommodate the gym.

Based on a gym falling within Use Class E, it is considered necessary to include a condition to restrict the use to a gym only and for no other use within Class E. This relates to the possible alternative uses that could operate from the property without requiring planning permission under Use Class E, which could themselves result in a change to residential amenity, highway safety and car parking, and to the vitality and viability of the town centres. LDF policies ST1 (Spatial Strategy for South Tyneside) and SC1 (Creating Sustainable Urban Areas) seeks to focus development to existing built -up areas and policy SA5 (concerning retailing opportunities) states that retail proposals in out-of-centre locations will only be permitted where they would not adversely impact on the vitality and viability of existing facilities and allocated sites within the designated town, district and neighbourhoods' centres. Furthermore, whilst the gym is currently operating as a private gym, it is considered that should the gym be open to and operate with visiting members of the public for informal fitness training rather than just being a 'private' gym (appointment based) that this would not result in any significant greater harm, in respect of noise and car parking demands than a private gym use. As such it is recommended that the condition as set out above restricts the ground floor use to use as a gym rather than referring to a 'private' gym use.

Housing land supply/delivery

The National Planning Policy Framework (NPPF), introduced December 2024 (and which replaced the December 2023 and July 2021 versions of the same), is a material consideration in all planning applications.

The revised NPPF at paragraph 61 states that it is the Government's objective to significantly boost the supply of homes; '*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*.'

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, this proposal which includes for managers accommodation would provide an additional residential unit alongside a niche form of residential accommodation (albeit temporary, with the applicant identifying that mothers / children would be resident for approximately 12 weeks) (6 no. bedspaces) for a residential family assessment centre and therefore has the potential to positively contribute, in a small way, to addressing the current shortfall.

Overall, the urgent need to bring forward housing remains a material consideration weighing in favour of the proposals.

Design and visual impact and heritage.

As set out above, the proposal would result in physical changes to the property to accommodate the changes of use and introduction of further floor space within the building.

Based on the scale, size, design and location of the works proposed it is considered that the works are acceptable and would not result in significant design and visual harm, being in accordance with Policy DM1 (A).

As detailed previously, the property is on the Council's List of Locally Significant Heritage Assets. Policy HA3 of SPD 21 (Demolition of a Heritage Asset) states that the Council will encourage the retention and sympathetic conversion of heritage assets, particularly where the asset is considered to be locally significant and makes a positive contribution to the local character or distinctiveness of an area. Demolition, in whole or in part, is considered a last resort.

Development Management Policy DM6 (Heritage Assets and Archaeology) states that we will support development proposals that protect, preserve and where possible enhance the historic, cultural and architectural character and heritage, visual appearance and contextual importance of our heritage assets, including non-listed buildings on the council's list of locally significant heritage assets and states that planning permission will be refused if the impact of development on heritage assets is unacceptable.

The NPPF states at Paragraph 216 that '*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*'

The applicant has submitted a Heritage Assessment to accompany the application and beyond the Local List description identifies that the building is identified in the Church Heritage Record (Ref: 613119) with the summary description as follows:

"This is a very simple design, a take on Tudor Gothic enlivened with Arts-and-Crafts influenced detailing. The tall grouped twin belfry and set of three chimney-stacks serving boiler and vestries at the junction of nave and chancel is an example of this, and gives limited vertical emphasis. The church was built in 1894, the architects Lamb, Armstrong and Knowles (completed by Armstrong & Knowles), architects who are virtually unknown as designers of churches; a much larger church by them, St Peter's in Clayton Street ¼ mile to the north-east, was demolished in 1971."

The Assessment proceeds to state that '*of notable additional features of the church and its setting are a stone and iron railing perimeter wall to the church and the relationship to terraced houses to the west of the site at Salam Street and Harold Street'*. It identifies that '*the key heritage value of the building is as a local landmark designed by local architects which uses traditional vernacular materials and construction techniques. This is an interest associated with townscape value*.' The Assessment proceeds to identify that '*A key feature of the townscape value associated with the building is the perimeter wall. Although there is evidence that this has been altered since original construction because of insertions into the wall to provide additional access points to the church grounds*.'

Additionally, the Heritage Assessment identifies that the closest listed building to the application site is St Bede's RC Church which is located approximately 180m west of the site. Due to the intervening land uses and the contained and enclosed nature of the site it is not considered that the proposals will impact upon the setting and character of this heritage asset.

The Council's Historic Environment Officer has been consulted on the application and has raised no objection to the application; however a number of matters have been raised through the assessment of the application. Amendments have been subsequently received to address a number of matters raised. Amendments have included changes to the window openings proposed, the omission of a driveway / new vehicle access which would have affected the existing curtilage wall / boundary enclosure and amendments to retain the existing boundary rather than introduce a new means of enclosure to the site, noting the significance of this to the site.

One matter, the introduction and design of openings including retention of stonework has been raised. New sections of stonework would be required through these proposals. The changes proposed to the elevations include the insertion of new windows to the first floor and changes to existing ground floor windows and the insertion of doors, As such, the elevations, including those of visual prominence to Salem Street and Randolph Street would be changed, reducing the amount of stonework and introducing more modern style glazing, and at first floor level. It is therefore concluded that there would be some harm to the building as a result of the proposals. In order to secure a satisfactory standard of development and to ensure the quality of materials and detailing, a condition is recommended to require the submission and approval of further details in respect of windows and new stonework.

The comments of the Historic Environment Officer are noted, and furthermore it is accepted that the proposal is an intensification of use and the proposed external changes to the elevation facing Salem Street are more substantial than those proposed under the previous permission for the C3 use. However, it is considered that in terms of the NPPF paragraph 216 (as detailed above) and making a 'balanced judgement', the scale of any harm or loss and the significance of the heritage asset must be made against the wider social and economic benefits of the proposal. The proposed (C2A) secure residential use would make a positive contribution to a niche form of housing delivery and supply with associated social and economic benefits during the period of construction and once the C2A use is occupied, through the creation of employment opportunities.

In addition to the new openings, new security fencing within the site and an external fire escape are proposed. No concerns have been raised by the Historic Environment Officer to these elements. The security fencing proposed would be located internally within the curtilage of the site (and not along the existing boundary to the site) and there would be limited views afforded beyond the existing enclosure to the site (to be retained). In respect of the fire escape, this would not be highly prominent being located on the south eastern elevation. Some limited views may be afforded; however this would be a fairly light weight structure and within the context of the existing building be positioned in close proximity to the adjacent flat roof (annexe).

It is therefore considered that the proposal would accord with policies DM1, DM6 and SPD21 with regards to design, visual amenity and heritage.

Impact on residential amenity including noise, security and anti-social behaviour

As detailed above, the site is located in a predominantly residential area and as such, there are residential properties in proximity to the site.

LDF Policy DM1 seeks to ensure that development is acceptable in relation to any impact on residential amenity.

Located opposite the application site, there is intervening highway and footway between the application site and residential properties in Salem Street, with a minimum distance of 20m between facing elevations and 15.5m between the site and gable elevation of no. 56 Randloph Street. To the south and with an approximate separation distance of 18m is 47 Harold Street, a detached residential dwelling. Located in-between this property and the application site is the converted church hall, now residential accommodation and the party boundary between the sites including planting. In respect of the proposed external alterations excluding the proposed external fire escape to the property (addressed further below), it is considered that based on the scale, location, separation distances and openings / works proposed that these would not result in a loss of amenity through over dominance, over shadowing, loss of outlook or privacy to any existing neighbouring properties. Whilst the insertion of windows within the side elevation facing towards St Marks House, Randolph Street would lead to a potential for increased overlooking of the curtilage areas of this property, these would largely overlook areas used for car parking. Furthermore, there is a level of screening along the common boundary formed by planting and trees. It should also be noted that similar window openings were approved as part of the previous planning permission for the C3 use of the building and that permission is still extant given that it has been implemented in part. In respect of the proposed external fire escape, St Marks House lies to the immediate south of the proposed external fire escape and based on the orientation of the properties and the elevated position of the fire escape (to serve the first floor), concerns were identified about resultant overlooking from the platform into the residential curtilage of the neighbouring property. To address these concerns the applicant has identified that they would affix a privacy screen to the fire escape platform to prevent overlooking to a height of 1.8m. A condition is recommended to require the installation of the privacy screen (with obscure glazing) and its retention.

In respect of the proposed uses an assessment in respect of noise or disturbance from the comings and goings of vehicles and people associated with the mix of uses - gym members / gym instructors, plus staff, visitors and visiting professionals to the property in respect of the proposed C2A use is required. The gym operates through the daytime, with hours as detailed above. Staff movements for the proposed C2A use would occur mainly during daytime hours, and any inspections taking place or professional staff visits would occur

during daytime hours. It is considered that these movements would be absorbed into the existing level of background noise from people and vehicles in the area.

The Council's Environmental Health team have considered the proposal with specific regards to noise impact on existing neighbouring residents and to future occupiers based on the mixed-use nature of the proposal, including the ground floor gym (operational and to be retained).

It has been advised that Environmental Health have not received any historic noise complaints in respect of the gym use operational at ground floor level. It should be noted that if any noise issues/complaints arose following occupation, these could be investigated under the Environmental Protection Act 1990. The Council retains enforcement powers to address any substantiated statutory nuisance.

Noise can have a significant effect on the environment and on the health and quality of life of both individuals and wider communities. Noise is therefore a material planning consideration where new development may create additional noise itself. The planning application has been accompanied by a noise impact assessment to consider the impact to residential receptors with regards to the proposed uses with specific consideration to existing residential properties and those proposed within the building itself.

The Council's Environmental Health Officer has been consulted on the application and has raised no objections. It has been advised that the applicant's submitted noise assessment has suitable methodology to assess the following impacts –

- Noise breakout from the gym with consideration of nearest residential receptors

- Noise impact of the gym on the proposed residential institution to the first floor, both internally and externally transmitted, through the floor and through windows.

- Existing ambient noise impact on residential institution and managers accommodation.

Noise breakout from the gym with consideration of nearest residential receptors

The consultant has taken noise measurements during the fitness classes ongoing at the gym. The measurements have been taken inside the fitness studio and a prediction methodology undertaken to assess impact at all nearest residential receptors. This method was chosen as the consultant felt that the dominant noise source in the area during the fitness classes period continued to be road traffic noise from the surrounding network. The outcome of this assessment is that there would be no significantly harmful impact on the residential receptors, this is of course borne out in the fact that we do not receive complaints regarding noise from the gym. The glazing units to the gym will be upgraded as part of these proposals.

Noise impact of the gym on the proposed residential institution (use class CA2) to the first floor, both internally and externally transmitted, through the floor and through windows

The consultant has considered the impact of the use of the gym on the proposed residential use to the first floor and provided a flooring specification that will achieve the required noise levels within the residential units. However, post installation testing is necessary to ensure that structure borne noise does not impact on future residential occupiers of the units. The council's Environmental Health Officer has recommended that a condition is included to ensure that a noise assessment is undertaken from within the residential units once the

mezzanine floor is in place, to ensure that structure borne noise is mitigated further if necessary prior to first residential occupation.

Existing ambient noise impact on residential institution and managers accommodation.

The council's Environmental Health officer has advised that a suitable noise assessment has been carried out to predict levels of noise within the residential units and managers accommodation as a result of the ambient environmental noise.

The consultant has provided the specification required for upgraded glazing and ventilation in section 5, table 9. A further condition is recommended to ensure that the glazing and ventilation specification is installed and thereafter retained.

In respect of the proximity of residential properties and noise and disturbance from the construction phase associated with both the internal conversion and external operational development works, a condition restricting the hours of activity is recommended.

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

Both Northumbria Police and the Council's Community Safety Team, have been consulted on the application and have raised no objections, however matters have been raised and recommendations in respect of crime and disorder risk minimisation. The council's Community Safety team and Northumbria Police refer to the provision of a management plan and recommendations for CCTV and site security (as detailed above).

In respect of occupancy and future users as referenced with the council's Community Safety team, the planning application process does not control nor manage occupancy (users). The use would need to be registered (Ofsted), therefore requiring adherence to regulations including site operations and management. It must also be noted that the proposal is not a house in multiple occupation and will be a managed secure residential institution – Community Safety comments are reflective of this different form of residential use.

As detailed above, the council's Community Safety team have referred to antisocial behaviour. NPPF, paragraph 96 (b) in promoting healthy, inclusive and safe communities states that 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion…'

South Tyneside LDF policy ST2 (F) also seeks to ensure that the need to design out crime and fear of crime has been addressed.

The applicant has identified that the proposed use would accommodate 6 no. mothers and children. The proposed use would be governed and inspected by Ofsted. It is also acknowledged that the size and location of the property would itself control the number of bedrooms available and consequently the overall capacity. Living, dining, bathroom and kitchen provision would be needed alongside staff space. Due to other regulatory regimes controlling this aspect of the proposal, it is not considered appropriate that a planning condition be attached restricting capacity.

It is acknowledged that the management of the use will be critical in minimising any potential for anti-social behaviour. The management of the assessment centre (C2A use) will need to

be agreed by other regulatory regimes governing the management and delivery of the use, and based on this it is not considered that a planning condition to require the submission of a management plan would be appropriate or required.

In considering the likely occurrence of crime and antisocial behaviour associated with the proposed C2A use, it is considered that the use will have more supervision and support than other types of residential accommodation.

It is therefore considered that on balance the proposal would accord with national policy and LDF policy ST2 (F) by ensuring that the need to design out crime and fear of crime has been addressed. Overall, the proposals would accord with the NPPF and policies DM1 and ST2 with regards to residential amenity and safety.

Drainage and Flood Risk

Core Strategy Policy EA5 (Environmental Protection) seeks to ensure that new development reduces levels of pollution and environmental risk. Development Management Policy DM1(K) (Flood Risk) seeks to ensure that developments are designed to minimise and mitigate localised flood risk.

As the proposal is not a 'major development', drainage assessments are not required (for surface or foul drainage). Furthermore, the site will already have connections with regards to those in any event and the Lead Local Flood Authority (LFFA) (that were consulted on a non-statutory basis as this is not a major development) has no objections to the proposal. This does not, however, abrogate the need for the applicant / developer to agree such details with Northumbrian Water should planning permission be granted (and where they are not a statutory consultee, plus, do not wish to be consulted on a non-statutory basis to proposals that are not major developments).

The LLFA have advised that they have no objections and no knowledge of a history of flooding at the proposed development site.

Given the above, the proposal is considered to accord with NPPF with regards to this consideration, and LDF policies DM1 and EA5.

Land Contamination

Core Strategy Policy EA5 (Environmental Protection) seeks to ensure that new development reduces levels of pollution and environmental risk. Development Management Policy DM1(M) (Contamination) seeks to ensure that risks of contamination have been assessed and, where necessary, remediation measures included.

The Council's Environmental Protection Officer has advised they have no objections or comments in relation to land contamination.

Given the above, and subject to the recommended condition, the proposal is considered to accord with NPPF with regards to this consideration, and LDF policies DM1 and EA5.

Highway Safety and Parking

NPPF Paragraph 116 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

South Tyneside CS Policy A1 Improving Accessibility seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Parking standards will apply to new development, as set out in SPD6.

Policy DM1 (G, H and I) Management of Development, seeks to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

The site is located in a sustainable location within close proximity from bus stops and Jarrow Metro station is in walking distance (approx. 700m away).

The proposal would use the existing highways of Randloph Street and Salem Street to provide pedestrian and vehicular access to the application site. No in curtilage car parking spaces are currently provided on site and none are proposed. The application originally proposed the insertion of a new vehicle access and driveway, however following concerns raised by the Historic Environment Officer in respect of impacts to the heritage asset, this element of the proposal was removed.

The Council's Transport Development Officer, as Local Highway Authority has been consulted on the application and has advised that following receipt of additional/amended details, including the removal of a driveway / access, that the proposal is considered to be acceptable. No parking restrictions are in place to the adjacent highway of Salem Street or Randolph Street and there are no concerns in respect of insufficient on street capacity to accommodate car parking requirements associated with both existing uses and the proposal.

In view of the above, it is not envisaged that this development will give rise to any undue highway safety concerns. In coming to this view consideration has been given to the fact that the scheme is unlikely to generate significantly more vehicular movements to and from the premises than would be generated were the building to have remained in use as a church and to the availability of on street car parking in the area.

In respect of the provision of covered, secure cycle provision the applicant has provided amended plans to identify that secure, covered cycle storage would be provided within the site for both the existing gym and proposed C2A use. This would be in accordance with the maximum standards as set out in SPD6. The applicant provided specification details for the cycle storage and details are considered acceptable. A condition is recommended to secure the delivery and retention of the cycle storage provision for the gym and C2A use.

It has been recommended that an informative is attached to any grant of permission in respect of no storage of building materials or equipment on the highway.

The plans identify suitable and adequate refuse storage within the site curtilage for the mix of uses. It is recommended that a condition be attached requiring the provision and retention of refuse storage areas and that returnable containers are not stored on the highway except when awaiting collection.

No objections have been raised to the proposal by the Highway Authority and given all of the above and subject to recommended conditions and informatives the proposal is considered to be in accordance with policies DM1 (G), A1 and SPD6.

Ecology - Biodiversity, landscaping and trees

Core Strategy Policy EA3 (Biodiversity and Geodiversity) seeks to optimise conditions for wildlife and tackle habitat fragmentation. Development Management Policy DM7

(Biodiversity and Geodiversity Sites) seeks to ensure the protection and enhancement of the important environmental assets in the borough.

From the 2nd of April 2024, the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, regarding the provision of mandatory 10% biodiversity net gain (BNG) apply to all planning applications unless falling under one of the listed exemptions. This application, due to the time that this has been with the LPA, predates this mandatory requirement and therefore 10% BNG is not required.

Notwithstanding this, following a consultation response from the council's Ecologist, the applicant provided additional details in respect of 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. Features to provide this gain through the inclusion of swift bird boxes, bat boxes and a bee brick are proposed. A condition to secure their implementation and retention are proposed.

The application has been accompanied by an Ecological Impact Assessment and Bat Walkover survey. The Council's Ecologist has advised that the application site (building) has been assessed internally and externally by a suitably qualified professional and identifies that the report concludes that the building was of moderate suitability to support roosting bats and further surveys were recommended, which were undertaken and no bats were observed emerging from the building.

The Council's Ecologist has confirmed that they are satisfied that the ecological survey work has been undertaken in accordance with good practise and is adequate and appropriate to support the planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development however as bats are highly mobile animals, there remains a residual risk that bats could be found during works. An informative is recommended in respect of bats and furthermore an informative in respect of breeding birds, where a residual risk to both is identified. A precautionary working method statement has been provided in support of the application, and it has been advised that this should be provided to all contractors working on the project and it is recommended that this be secured by condition.

The application has been accompanied by an arboricultural report and tree protection plan. The Tree Team have advised that they are supportive of the proposals and recommend that conditions are attached to ensure compliance with the recommendations of the report and tree protection plan.

Habitats Regulations

The proposal is within the 6km buffer zone identified in the Council's Interim SPD23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development).

The SPD advises that residential developments within the 6km zone are likely to have a significant effect on the European sites and draws on the strategic HRA and mitigation strategy work to conclude that adverse effects on site integrity can be ruled out where developments of 10 or more dwellings make a proportionate contribution to a carefully designed package of mitigation measures.

The requirements of the SPD provide a robust solution to the need to comply with the requirements of the Habitats Regulations. The SPD is not an additional burden placed on developers, rather it provides a solution for developers to comply with the HRA requirements

without having to undertake their own extensive evidence gathering to demonstrate that their mitigation measures are fit for purpose. The SPD has been put in place to prevent project level delays, difficulties in demonstrating effective mitigation, and evidence burdens on the developer. Natural England, the statutory nature conservation body, has confirmed that a strategic approach to mitigating for increased recreation pressure at the coast is the most favourable way forward.

The contribution towards the strategic mitigation scheme as set out in the SPD is calculated at £403 per dwelling for developments of 10 units or more. This proposal is for a type of residential development but does not exceed 10 unit or more and so would not attract the tariff. A Habitats Regulations Screening Assessment and then an Appropriate Assessment have been carried out by the Local Planning Authority as competent authority. In summary, the Appropriate Assessment has concluded that the proposal is compliant with the Habitats Regulations; and would not cause unacceptable harm in respect of biodiversity and protected species.

Conclusion

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

The proposal would make a positive contribution to a niche form of housing delivery and supply with associated social and economic benefits during the period of construction and once the C2A use is occupied (employment opportunities generated). However, the contribution of such accommodation to meeting housing need in South Tyneside through a more efficient use of land in an urban area and the associated benefits are limited by the scale of development proposed.

Having regard for the above and when assessed against the policies of the NPPF as a whole, it is considered that on balance the proposal is acceptable in principle in respect of the change of use and operational development proposed. Whilst some adverse impacts would arise in respect of the locally listed heritage asset, due to the external alterations proposed to facilitate the change of use, as detailed above, it is considered that this would not significantly and demonstrably outweigh the benefits of the proposal.

Having regard for the above it is considered that the proposal would result in no significant harm to the residential amenity of neighbouring properties, the visual amenity of the area, the highway safety of the area, or biodiversity, subject to the recommended conditions. 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.

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 agents reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg no. A101 - Proposed Ground Floor Arrangements received 02/07/2025
Drg no. A102 - Proposed First Floor General Arrangement received 02/07/2025
Drg no. A103 - Proposed First Floor Mezzanine level received 02/07/2025
Drg no. A104 - Proposed Roof Plan received 02/07/2025
Drg No. A104 - Proposed Level between 3 and roof was 4 received 02/07/2025
Drg no. A08 Site Plan received 02/07/2025
Drg no. A201 - Proposed North Westerly Elevation received 02/07/2025
Drg no. A202 - Proposed South Easterly Elevation received 02/07/2025
Drg no. A203 - Proposed South Westerly Elevation received 02/07/2025
Drg no. A204 - Proposed North Easterly Eevation received 02/07/2025

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted (excluding stonework and new windows) shall be as detailed on the planning application form received 28/2/2025 and Drg no. A201 - Proposed North Westerly Elevation, Drg no. A202 - Proposed South Easterly Elevation, Drg no. A203 - Proposed South Westerly Elevation and Drg no. A204 - Proposed North Easterly Eevation all received on 02/07/2025.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with the NPPF and South Tyneside LDF Development Management Policies DM1 and DM6.

4 For the full duration of the construction works in respect of the development hereby permitted tree protection measures shall be in place in full accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan received 03/10/2024, Tree Root Protection Area - RPA Plan received 03/10/2024, Tree Protection Plan received 03/10/2024 and Tree Protection Fencing Specification received 03/10/2024, and all such works shall be undertaken in accordance with BS5387 'Trees in Relation to design, demolition and construction' 2012, and NJUG guidelines.

To ensure that existing trees within and adjacent to the site, are adequately protected during the period of construction works in accordance with Local Development Framework Policies DM1 and EA1 and the NPPF.

5 All works in respect of the development hereby permitted shall be undertaken in accordance with the precautionary working method statement as detailed in the Ecological Impact Assessment - Bats and Birds. St Mark's Church, Salem Street, Jarrow, South Tyneside, NE32 3AQ. Report Reference TE2024-NZ33126514/EcIA/Ver-1.0, 5th June 2024 by Tyne Ecology received on 05/06/2024.

To ensure a satisfactory standard of development in the interests of visual amenity and biodiversity in accordance with the NPPF and South Tyneside Local Development Framework policies EA3, DM7 and DM1 (C).

6 All works to install the mezzanine floor (excluding manager accommodation mezzanine) shall be carried out in accordance with the flooring specification as detailed within the Noise Impact Assessment received 28/02/2025.

Notwithstanding the recommendations and conclusions of the Noise Impact Assessment received 28/02/2025 prior to the first occupation and use of the C2A use hereby approved, the applicant shall submit a detailed Noise Impact Assessment to the Local Planning Authority for approval. The Noise Impact Assessment shall be undertaken from within the C2A accommodation once the mezzanine floor is in place, to ensure that structure borne noise is further mitigated if necessary, prior to first residential occupation.

The C2A use hereby approved shall not be occupied unless and until all works and associated mitigation identified have been implemented and installed in accordance with the approved details and such mitigation measures shall remain in place at all times thereafter.

In the interests of the amenities of future occupiers to safeguard them from undue noise and disturbance with the NPPF and South Tyneside LDF Development Management Policy DM1.

7 Prior to the first occupation and use of the C2A accommodation and managers accommodation hereby approved, the works to upgrade the glazing and ventilation as detailed in section 5, table 9 of the Noise Imact Assessment received 28/02/2025 shall be implemented and installed in accordance with the approved details and thereafter retained.

In the interests of the amenities of nearby residential properties and to safeguard them from undue noise and disturbance with the NPPF and South Tyneside LDF Development Management Policy DM1.

8 The first floor (mezzanine level) of the premises as detailed on Drg no. A102 - Proposed First Floor General Arrangement received 02/07/2025 and ground floor entrance, stairs and lift as detailed on Drg no. A101 - Proposed Ground Floor Arrangements received 02/07/2025, shall be used for a residential family assessment centre (use Class C2A) (as described within the submitted Statement Details for Residential Institution use received 14/03/2025 and Additional Information received by email on 09/02/2026) and for no other purpose (including any other purpose within Class C2A of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

9 The ground floor (excluding the entrance doorway, staircase and lift serving the first floor (mezzanine level) CA2 use and ground floor managers accommodation) of the premises shall be used only as a gym and for no other purpose (including any other purpose within Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, highway safety, parking, access and amenity, and the vitality and viability of the town centres in accordance with South Tyneside Local Development Framework Policies, DM1, SA5, EA5 and A1.

10 The gym hereby permitted shall be open for business only between the hours of 06:00 and 20:00 on any day.

In the interests of the amenities of nearby residential properties and to safeguard them from undue noise and disturbance in accordance with the NPPF and South Tyneside LDF Development Management Policy DM1.

11 The development shall not be brought into use unless and until refuse storage facilities for the development have been provided in accordance with the approved details as shown on Drg no. A101 - Proposed Ground Floor Arrangements received 02/07/2025. Thereafter, the refuse storage facilities shall remain in place at all times. Furthermore, no external refuse or refuse containers shall be stored outside of the approved refuse storage areas except on the day of refuse collection.

To ensure the provision of adequate and appropriate bin storage facilities in accordance with the NPPF and South Tyneside LDF Development Management policy DM1.

12 No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Bank Holidays.

To safeguard the amenity of the nearby residents, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

13 Prior to the installation of any means of enclosure to the site, excluding those as detailed on Drg no. A101 - Proposed Ground Floor Arrangements received 02/07/2025, Drg no. A201 - Proposed North Westerly Elevation received 02/07/2025 and Drg no. A203 - Proposed South Westerly Elevation received 02/07/2025, full details of such means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

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

14 Prior to the development being brought into use the biodiversity enhancement features as detailed on Drg no. A101 - Proposed Ground Floor Arrangements received 02/07/2025 shall be installed in accordance with the approved details and thereafter retained as such.

In the interests of biodiversity in accordance with the NPPF and South Tyneside LDF Policies EA3, DM7 and DM1.

15 Prior to the commencement of development, full details and specifications, including samples for new windows and new areas of stonework shall be submitted to and approved in writing by the Local Planning Authority. All works shall be implemented and installed in accordance with the approved details and thereafter retained.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with the NPPF and South Tyneside LDF Development Management Policy DM1 and DM6.

16 Prior to the first occupation and use of the C2A accommodation and managers accommodation hereby approved, the covered and secure cycle parking as detailed on Drg no. A101 - Cycle storage - Proposed Ground Floor Arrangements received 30/01/2026 and product specifications received on 30-01-2026 shall be provided within the application site. Thereafter, the cycle parking shall remain in place at all times.

To promote sustainable transport choices in accordance with South Tyneside Local Development Framework Policy A1, the Council's SPD6 Parking Standards and the NPPF.

17 Within three months from the date of this decision, the covered and secure cycle parking to serve the gym, as detailed on Drg no. A101 - Cycle storage - Proposed Ground Floor Arrangements received 30/01/2026 and product specifications received on 30-01-2026 shall be provided within the application site. Thereafter, the cycle parking shall remain in place at all times.

To promote sustainable transport choices in accordance with South Tyneside Local Development Framework Policy A1, the Council's SPD6 Parking Standards and the NPPF.

18 Prior to the first occupation and use of the C2A accommodation hereby approved, the lift access to serve the first floor (C2A) use as idenified on Drg no. A101 - Proposed Ground Floor Arrangements and Drg no. A102 - Proposed First Floor

General Arrangement received on 02/07/2025 shall be installed in accordance with the approved details and thereafter retained as such.

To ensure a satisfactory standard of development and ensure access for all, in accordance with the NPPF and LDF policy DM1.

19 Prior to the first occupation and use of the C2A accommodation hereby approved, the 1.8m high privacy screen to the external fire escape, as detailed on Privacy Screen - Proposed North Westerly Elevation received 30/01/2026 and Privacy Screen - Proposed First Floor General Arrangement received 30/01/2026 shall be provided in accordance with those details. The screen shall be obscure glazed to a minimum level equivalent to Pilkington Level 3 and the privcay screen shall remain in place at all times.

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

20 The secure residential institution use (Use Class C2A) hereby approved shall not commence unless and until full details of hard and soft landscaping to the curtilage areas of the application site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) planting plans, written specifications and schedules of plants (noting species, plant sizes and proposed planting densities where appropriate);
b) retention of existing trees as per the details referenced in condition 4 above;
c) details of all hard surfacing materials; and
d) timing details regarding implementation thereof.

Thereafter landscaping works shall be implemented as approved in accordance with the approved timing details. Any approved landscaping that is removed, dies or becomes seriously diseased within 5 years of planting shall be replaced in the next planting season with landscaping of similar size and species to that which it replaces.

In the interests of visual and residential amenity and biodiversity in accordance with South Tyneside LDF Policies EA3 and DM1(B,C) and the NPPF.

Informatives

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.
Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

2 Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed in writing. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

3 Bat Informative

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should a bat or signs of bats be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.
Natural England Bat Advice Line: 0345 1300 228

4 Breeding Bird Informative

Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

5 The Community Safety consultation response has identified a number of matters which the Local Planning Authority would raise with the applicant:

The monitoring of the property by CCTV cameras - the front and rear doors so that all coming and goings are observed.
" Residents are to be signed up with and Excluded License to Occupy, which includes clauses related to their behaviour such as; ensuring they are responsible for the conduct of their guests who are generally not to be left unaccompanied.
Residents and visitors to be mindful of not causing, noise, disturbance, nuisance or annoyance to neighbours and other residents, including the playing of loud music.
Additionally, the Landlord must have in place an Anti-Social Behaviour Procedure, which sets out a warning and behaviour agreement and consequences of breaching license conditions (notice to leave / eviction).

6 The Northumbria Police consultation response has identified a number of matters which the Local Planning Authority would raise with the applicant:

For the physical security of the development we recommend that the main doors has an access control system which can only be opened via a staff member, CCtv to cover the exterior of the building so not to allow items to be passed in to the building without the staffs knowledge, internal CCtv covering the communal areas and exit doors this is to have a audio element as well, all staff to be trained in the downloading of footage to allow swift production and collection of this footage by police.

Residence officer to have a door return, magnet lock and manual lock to create a safe place for staff if necessary and to allow sensitive record storage.

Case officer: Helen Lynch

Signed: *Helen Lynch*
Date: 03/03/2026

Authorised Signatory: G.Horsman
Date: 11/03/2026