South Tyneside Council

Reference:	ST/0184/24/FUL
Location:	Jordans Sports Club Ltd Marine Drive Hebburn NE31 2AB
Ward:	Monkton
Description:	Proposed partial change of use from Sui Generis (function room in a social club) to Class E (salon) to allow the extension of the salon approved under application reference ST/0311/21/FUL, with associated amendments to the building and new ramped access.
Recommendation:	Grant Permission
Case Officer:	Casey Scott
Case Officer Contact No.:	0191 4246780 or 07442 655446

Description of the Site

1.1. This application relates to Jordans Sports Club Ltd, in Hebburn. The host building comprises both a social club and salon located within the built-up residential area of Hebburn. The site is adjacent to Marine Drive and Luke Lane Sports Field to the west.

Description of the Proposal

2.1. This application seeks full planning permission for a partial change of use of the building, from use as a sports club (use class sui generis) to extend an existing hair salon located in the building (use class E). The existing hair salon was granted permission in 2021 under application reference ST/0311/21/FUL, and the applicant has confirmed that this application seeks to extend the existing salon, through the use and conversion of the current function room 1, associated with the sports club.

2.2. The existing salon occupies an area of approximately 53sqm, located to the south of existing function room 1, and the new area that the salon would occupy would be approximately 136sqm, which includes a storage area and staff toilets. The change of use would increase the size of the salon to occupy function room 1 in the social club.

Relevant Planning History

3.1. The planning history of the site is as follows:

3.2. ST/0311/21/FUL – Change of use (partial) of existing cellar and storage area of social club to hair and beauty salon. External alteration including installation of new window and entrance doorway with access ramp to southern elevation. **Granted permission with conditions 09.04.2021.**

3.3. ST/0390/80//DM – Extension to club to provide games room, committee room and cellar. **Granted permission with conditions 12.06.1980.**

Summary of Consultation Responses

4.1. The following responses were received in response to the statutory consultation period which ended on 15/05/2024.

4.2. Environmental Protection Officer
No comments from a flood risk or drainage perspective.

4.3. Land Contamination
No comments.

4.4. Traffic and Road Safety
No issues arise from the development.

Summary of Representations

5.1. No responses received.

Relevant planning policy

6.1. 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.

6.2. The statutory development plan comprises of the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, a Development Management Policies Development Plan Document (DPD) 2011, and a Site Specific Allocations Development Plan Document DPD 2012.

6.3. The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- DM1 – Management of Development
- LDF Core Strategy: SC1 – Creating Sustainable Urban Areas
- LDF Core Strategy: ST1 – Spatial Strategy for South Tyneside
- LDF Core Strategy: EA3 – Biodiversity and Geodiversity
- Site Specific Allocations: SA5 – Retailing Opportunities

6.4. The following policies and guidance are also relevant to this planning application:

- Supplementary Planning Document 6 – Parking Standards

6.5. A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory

consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that are listed below are not appraised in detail in the assessment set out below:

- Policy SP1 – Presumption in favour of sustainable development
- Policy 4 – Contaminated Land and Ground Stability
- Policy 23 – Employment Development beyond Employment Allocations
- Policy SP21 – Natural Environment
- Policy 33 – Biodiversity, Geodiversity, and Ecological Networks
- Policy 35 – Delivering Biodiversity Net Gain
- Policy 47 – Design Principles

6.6. 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.

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

- Paragraph 11
- Paragraph 47
- Paragraph 48
- Paragraph 56
- Paragraph 124
- Paragraph 131
- Paragraph 135

6.8. The following national guidance is also relevant to this planning application:

- NPPG – Biodiversity Net Gain (2024)

Assessment

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

- Principle of the development – Change of use
- Impact on Visual Amenity
- Impact on Residential Amenity
- Environmental Health
- Highways Safety
- Ecology
- Accessibility

7.2. Principle of the development - change of use

7.3. The principle of the partial change of use was established by the previous planning permission reference ST/0311/21/FUL in 2021.

7.4. Notwithstanding this, to assess the additional change of use proposed under this application, Core Strategy Policy SC1 makes clear that in order to deliver sustainable communities, development proposals will be focused and promoted within the built-up areas.

7.5. Whilst the site is located within the predominantly residential area of Hebburn, the social club is adjacent to the local neighbourhood centre as designated by the Council's Site-Specific Allocations Proposals Map. This shopping unit contains M&K Convenience Store and Ace Pizza. It was not clear from the site visit on the 25.04.2024 whether these businesses, or other adjacent units are operational.

7.6. Policy SA5 of the Site-Specific Allocations Documents makes clear that the council will promote and encourage proposals that broaden the range of shopping facilities, to improve the vitality and viability of the Borough's district and other local neighbourhood shopping centres.

7.7. The application form states that the salon currently has one full time employee. The proposed development would employ two full time employees and two part time employees, with a total full time equivalent of 3 employees.

7.8. The proposed use would provide a local service to a small catchment area within close proximity of local neighbourhood shopping centre. Taking into account the existing commercial leisure use of the building, the previous permission for the salon and the space this extended change of use proposal would use in the building, it is considered that the proposal would represent an appropriate form of sustainable development in this location. The proposal seeks to extend an existing salon which already provides a service to the local community and would not detract from the vitality and viability of any of the Borough's main shopping centres at South Shields, Jarrow and Hebburn.

7.9. As such, the proposal development would be in accordance with LDF Policy DM1, Core Strategy Policy SC2, as well as the NPPF.

7.10. <u>Impact on Visual Amenity</u>

7.11. LDF Policy DM1 (A) seeks to preserve visual amenity.

7.12. The proposed development seeks permission for the partial change of use of the social club, to extend an existing hair salon within the building.

7.13. Internally, there are minor alterations to facilitate the change of use. Externally, to the north elevation there is a proposed new ramped access, with a new window and door into the salon. On the south elevation, the existing door into the salon is proposed to be changed into a secure fire door and an existing window to be bricked up to match the existing. There is a stepped access to this door which is to be implemented in line with the previous planning permission. There are no changes proposed on the east and west elevation.

7.14. There is no advertisement for the salon proposed as part of this application. The applicant is advised that any advertisements may require further permission through an advertisement consent application and an informative is recommended in this regard.

7.15. The proposed plans have been assessed and it is considered that the proposed development would not result in an unacceptable negative impact on the visual amenity of the building or the wider area. As such, the proposal is considered acceptable in accordance with Policy DM1(A).

7.16. Impact on Residential Amenity

7.17. The proposal is for partial change of use of the building and minor alterations to the building.

7.18. Having regard for the above, and based on the location of the site relative to the nearest residential properties, it is considered that the proposed development would not have an unacceptable impact on the residential amenities of the occupiers of nearby residential properties and it would be in accordance with Development Management Policy DM1 (B) of the South Tyneside Local Development Framework.

7.19. Environmental Health

7.20. Comments on the application have been sought from the Environmental Protection Officer. They have assessed the application from a flooding and drainage perspective and raise no comments on the application. Likewise, no comments have been received in respect of land contamination.

7.21. Therefore, the proposal can be considered acceptable in this regard and in accordance with Policy DM1 of the South Tyneside Local Development Framework.

7.22. Highway Safety

7.23. Local Development Framework Policy DM1(G) requires the impact of developments to be acceptable in relation to highway capacity and safety and the associated SPD6 document sets out the parking standards that the Council will have regard to in assessing proposals for new development.

7.24. The proposal is for an extension of an existing salon within a social club. The proposal would not increase the overall floor area of the building, converting the existing building. It is also noted that the site includes car parking for both the social club and salon. To assess the impact of the proposed development and change of use on highway safety, comments have been sought from the Local Highway Authority. They have assessed the application and consider this to be acceptable and raise no objection to the proposal.

7.25. On this basis, the proposal can be considered acceptable with respect of Highway Safety in line with Policy DM1(G) of the Local Development Framework.

7.26. Ecology

7.27. The proposed development is for a partial change of use of an existing social club, to extend an existing salon in the building.

7.28. In terms of Biodiversity Net Gain, the proposed development would be below the threshold as it would impact an area of less than 25 square meters of on-site habitat. This would fall under de minimis exemption under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.29. Therefore, on the basis of the above, the proposed development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF with respect of ecology.

7.30. Accessibility

7.31. Local Development Framework Policy DM1 (I) states that the needs of all users for access around sites and into buildings for public use are considered as an integral part of the development.

7.32. Paragraph 2.25 of the supporting text to Policy DM1 states that in the interests of access for all, buildings where substantial alterations are being made, for example new shop fronts, should demonstrate that their entrances are designed with an adequate opening width and level thresholds or that ramps are provided.

7.33. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

7.34. Paragraph 124 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible.

7.35. Included within the application is a new ramped access to the north elevation of the building into the extended salon. This would allow for accessible access into the salon. Therefore, the proposed extended salon can be accessed by all members of the public, and therefore the development can be considered acceptable in line with LDF Policy DM1 and also the paragraphs of the NPPF as set out above.

7.36. Other issues

7.37. 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.

7.38. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

8.1. Having regard for the above it is considered that the proposal would result no significant harm in terms of the principle of the development, visual amenity, residential amenity, environmental health, highway safety and ecology.

8.2. As a result, it is considered that the proposed development does comply with all relevant local and national planning policy and guidance. Consequently, this application is recommended for approval.

Recommendation

Grant Permission with Conditions

Conditions

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

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

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

KC-HJSC-SR-01 Drg No. A202 Proposed Elevations – received 22.03.2024
KC-HJSC-SR-01 Drg No. A201 Proposed Ground Floor General Arrangement – received 22.03.2024
KC-HJSC-SR-01 Drg No. A003 Proposed Site Plan – received 22.03.2024

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 materials for the development hereby permitted shall be as those stated within the application form (received 22.03.2024) and as detailed on: KC-HJSC-SR-01 Drg No. A201 Proposed Ground Floor General Arrangement (received 22.03.2024).

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

Informatives

NOTE TO APPLICANT

Advertisement consent may be required for the installation of external advertisements.

Case officer: Casey Scott

Signed: C.Scott

Date: 23.05.2024

Authorised Signatory: Helen Lynch

Date: 23/05/2024