LICHFIELDS

The St. Nicholas Building
St. Nicholas Street
Newcastle upon Tyne NE1 1RF

0191 261 5685
newcastle@lichfields.uk
lichfields.uk

South Tyneside Council
Planning Department
Town Hall and Civic Offices
Westoe Road
South Shields
Tyne and Wear
NE33 2RL

Date: 30 October 2023
Our ref: 67003/01/NW/OLc/27186819v1
Your ref: 67003_01

Dear Sir/Madam

Application for Lawful Development Certificate – Unit 1 Station Approach, East Boldon, NE36 0AB.

On behalf of our client, East Boldon Developments Limited, we are pleased to apply for a Lawful Development Certificate pursuant to section 191 of The Town and Country Planning Act 1990 (as amended) in relation to the existing use of Unit 1, Station Approach, East Boldon, NE36 0AB. Full details of the application are set out below.

Background

The property is located in a mixed-use area along Station Approach, East Boldon, comprising of a mix of retail, industrial and food takeaway services. There are on street parking spaces available opposite the unit. Further east of the site is a car garage and on the opposite side of the road is an Indian restaurant. East Boldon Metro station is a couple of hundred metres from the unit and East Boldon Station Car Park adjacent. The property is accessed from Station Approach (B1299) which connects East Boldon to Cleadon.

A planning history search was undertaken for the unit. There is limited site history for Unit 1 as follows:

- Ref. ST/649/78/DM - Unit 1 – permission granted in 1978 for the erection of a factory granted permission as per amended plan 18.07.1978.

Existing Use

As detailed above, there is limited planning history for the unit and therefore it is necessary to confirm the existing and previous uses of the premises from its previous owners. The previous occupiers of the unit were Watson Tool Hire. The company operated in the unit for a period of 11 years, leaving in June 2023. As such, the use can be considered lawful due to being in situ for a period of over 10 years and has not been extinguished. This has been confirmed by Gordon Watson of Watson Tool Hire in a letter dated 17th October 2023 which states that:

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116
Registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG

- Watson Tool Hire operated in the unit for 11 years
- The primary business activities revolved around tool hire, equipment sales and repair services
- The majority of sales were to the general public from within the local community.

It is clear from this letter, which is also submitted alongside this application, that the primary use of the premise was for retail, selling or renting tool hire equipment to the public. This is true for the period of the 11-year period of occupation.

Under the Town and Country Planning (Use Classes) Order (as amended) ('the UCO') defines tool hire shops/retail under the old class system as A1 but under the new class system this operation is included under the new class E. An example of where this has been confirmed in the attached decision notice/officer report by Reading Council which refer to tool hire shops as use class E.

Submitted Documentation

The following is submitted to accompany this application:

- Application form;
- This covering letter;
- Accompanying letter from former occupier Watson Tool Hire; and
- Decision notice/ Officer Report (Ref. 210854/FUL) prepared by Reading Council which confirms tool hire shops as a Class E use.

Conclusion

On behalf of our client, we are seeking to establish the use class of Unit 1, Station Approach, East Boldon NE36 0AB. For the reasons set out above, it is considered that this unit has been operating in Use Class E as a tool hire shop 'Watson Tool Hire' for the past 11 years and therefore this is the established use for the site. In accordance with the letter from Watson Tool Hire providing information that the unit was predominantly used for retail (now situated under use class E), this is consistent with how other local authorities classify this type of operation. Therefore, under section 191 of The Town and Country Planning Act 1990 (as amended), a Certificate of Lawfulness to establish Use Class E for the site should be issued.

Please do not hesitate to contact either Rob Murphy or myself if you require any further information and we look forward to receiving the lawful development certificate in due course.

Yours faithfully

[redacted]

Oliver Clements
Planner
BA (Hons)