South Tyneside Council

Reference:	250238
Location:	Harton Village Kindergarten Sunderland Road South Shields NE34 6AS
Ward:	Harton
Description:	Bring out the front of the nursery building to be in line with the circumference of the roof. Addition of a log cabin at the North East corner of the site.
Recommendation:	Grant Permission with Conditions
Case Officer:	Casey Scott
Case Officer Contact No.:	0191 4246780 or 07442 655446

Description of the Site and Proposal

The application site relates to Harton Village Kindergarten, located on Sunderland Road in South Shields. The application site consists of an established nursery with car parking, outdoor play area and existing outbuilding. Within the site boundary there are protected trees which protected by TPO 304, as confirmed June 2014.

The application seeks full permission to change the roof line on the existing building, to bring the flat roof forward to create an enclosed entrance area.

Included in the proposal is the construction of a log cabin to replace the existing outbuilding to the north east corner of the site. The proposed log cabin would measure 11m in width and 6m in length. It would have a pitched roof construction and have a height of 2.26m to the eaves, and 4.06m to the ridge of the pitched roof.

Relevant Planning History

The planning history of the site is as follows:

Reference number: ST/0377/18/ADV
Description: (x2) Timber pole mounted signs along the front boundary
Decision: Grant Permission with Conditions 02.11.2018

Reference number: ST/0051/17/FUL

Description: Retrospective planning consent for wooden structure to be used as outdoor classroom in the front garden
Decision: Grant Permission with Conditions 21.02.2017
Reference: ST/1087/16/VC
Description: Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 in relation to planning application ST/0803/15/FUL to open the sensory room, soft play room, café and sensory garden on Saturdays from 09.00am ti 17.00pm.
Decision: Grant Permission with Conditions 23.01.2017

Reference number: ST/0453/16/FUL
Description: Retrospective planning consent sought for the installation of 2 air source heat pumps on the roof of the plant roof at the rear of the building
Decision: Grant Permission No Conditions 03.08.2016

Reference: ST/0803/15/FUL
Description: Kitchen and office extensions to front and plant room extension to rear of proposed children's nursery. Two additional business units to the side of the proposed children's nursery comprising a meeting/office/training room and a cafeteria. Additional car parking, widened vehicle access brick boundary wall/railing with grant to front. Two garden pergolas.
Decision: Grant Permission with Conditions 06.07.2016

Reference: ST/0468/14/FUL
Description: The extension and alteration of former library to create kindergarten/nursery. Provision of new vehicular access and car park.
Decision: Grant Permission with Conditions 14.11.2014

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 10/09/2025.

Community Safety
No crime and disorder concerns with this proposal.

Northumbria Police
No objection to the application, we would recommend that the doors and window set to be to the standard of LPS 1175 b5 and the locks to be to a 3 diamond standard.

Tree Team
Following the submission and consideration of amended plans by the Tree Team:
No objection to the amended proposed development, subject to a planning condition to ensure the works around the protected trees are untaken with the methodology with in AMS.

Summary of Representations

2no. representations have been received in objection to the proposal. The issues raised are summarised as follows

- Loss of daylight and overshadowing.
- Overbearing nature and loss of privacy.
- Adverse impact on residential amenity.
- Potential for property to be devalued.
- Noise associated with nursery use.

Amended proposals (as described later within this report) to ensure the retention of a protected tree and the removal of part of the development which included the construction of a new pitched roof, to increase the height of the existing flat roof of the building were submitted following an initial assessment of the application. Based on the nature of the amendments and in accordance with the requirements of the council's SCI, no further notification was undertaken, due to the proposals not being so significantly different to that upon which people had been originally notified of.

Relevant planning policy

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

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

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

- ST1 Spatial Strategy for South Tyneside (Core Strategy)
- ST2 Sustainable Urban Living
- SC1 Creating Sustainable Urban Areas (Core Strategy)
- E1 Delivering Economic Growth and Prosperity
- EA1 Local Character and Distinctiveness
- EA3 Biodiversity and Geodiversity (CS)
- EA5 Environmental Protection (CS)
- DM1 Management of Development (DMP)
- DM7 Biodiversity and Geodiversity sites (DMP)

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. The Local Plan is now subject to Main Modifications consultation following receipt of the Inspectors post-hearing letter (12 February 2026) which determined that the plan as submitted is not sound but could be made sound through Main Modifications.

Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at an advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies. Local Plan policies subject to Main Modifications consultation may still be subject to objection and, therefore very limited weight should be given to those policies. Policies not subject to Main Modifications can generally be afforded greater weight. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited weight)
- Policy SP2 Strategy for Sustainable Development to meet an identifies need
- Policy SP3: Spatial Strategy for sustainable development (very limited weight)
- Policy 1: Promoting Healthy Communities (limited weight)
- Policy 35: Delivering Biodiversity Net Gain (limited weight)
- Policy 47 Design Principles (very limited weight)

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

Assessment

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

- Principle of the development
- Impact on visual amenity
- Impact on residential amenity
- Ecology and Trees

Principle of the development

The use of the site is established as a nursery by former planning permission (as summarised above). The proposed development is to facilitate the continuing use of the site as a nursery and the proposed changes to the roof and outbuilding would both form part of the existing nursery's offering. The information submitted with the application does not state, as a result of the development, that the capacity of the nursey would change. This has been confirmed in writing by the Nursery. Furthermore, the Nursery have also confirmed that as a result of the development, given there is no increase in the capacity of the nursery there would be no resultant additional staff.

As such, the principle of the development would not demonstrate any conflict with development plan policies, given the use of the site is established.

Impact on visual amenity

The NPPF (para. 131) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and; that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy DM1 states that in determining all applications we will ensure that, where relevant: A – the development, including new buildings, extensions and alterations to existing buildings, are designed to convey sensitive consideration of its surroundings, and where possible enhance

its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing

The proposal seeks consent for the removal of an existing outbuilding and replacement with a larger log cabin to the north-eastern corner of the site. Consent is also sought for works to bring forward the flat roof on the building to create a new enclosed entrance area.

In relation to the outbuilding, an objection has been received from a neighbour No.234 Sunderland Road to the proposal. They raise concerns with respect of the design of the log cabin, how well maintained the outbuilding would be once constructed, and that the proposal will devalue their property.

Any matters relating to property prices is not a material planning consideration to be considered as part of this planning application. Furthermore, any concerns with respect of maintenance of the outbuilding once constructed is outside of any planning control and is not a material planning consideration for this application. However, due to the nature of the use and its future occupation by children, it is recognised that Health and Safety / safeguarding (subject to other regulatory regimes) would necessitate the outbuilding (both internally and externally) being maintained to a satisfactory standard.

The proposed outbuilding, including its external appearance and materials is typical of this style of development and it is not considered that it would result in any harm with respect of visual amenity in the context of the application site and wider streetscene on Sunderland Road. A condition is recommended in respect of works being undertaken in accordance with material details as submitted to ensure a satisfactory standard of development.

With respect of the proposed changes to the roof and construction of a new front entrance, this has been assessed and it is considered that the works proposed would not result in any harm with respect of visual amenity. The infill front extension to form the new entrance to the building will be in keeping with the design of the application building.

The initial submission of the application sought the removal of a protected tree T8 (as annotated on the applicant's supporting Arboricultural Assessment), which is protected by Tree Protection Order (TPO) 304. The Tree Team were consulted on the application, and they considered the removal of the TPO tree was unacceptable, and would result in harm to the visual amenity of the site through the loss of this prominent tree on Sunderland Road. Following receipt of these comments, amended plans have been submitted which have relocated the proposed log cabin building to allow for the retention of the protected tree. The tree team have reviewed the updated arboricultural information which was submitted to support the revised proposal, and they now consider that the application is acceptable with respect of it's impact on trees, subject to a planning condition to ensure that any approved works would be carried out in accordance with the methodology set out within the AMS submitted with the application. It is recommended that this condition is added to any grant of planning permission.

Therefore, subject to the recommended condition it is considered that the proposal is acceptable with respect of visual amenity, in accordance with the NPPF and LDF Policy DM1.

Impact on residential amenity

NPPF paragraph 135(f) states that planning policies and decision should ensure that developments create places which promote health and wellbeing, with a high standard of amenity for existing and future users.

Policy DM1 (B) requires a development to be acceptable in relation to any impact on residential amenity.

Policy EA5 (A) requires the council to reduce levels of pollution and nuisance throughout the Borough.

Two objections have been received to the proposal, as summarised above. Firstly, an objection has been received from the neighbour No.38 Central Avenue which is located to the rear (west) of the application site. They have raised concerns with respect of the installation of a pitched roof as detailed earlier in the report, that this part of the development could result in loss of daylight, overbearing nature, loss of privacy and adverse impact upon residential amenity. These comments related to the original submission of the application. Since the initial submission, the application and plans have been amended to remove part of the development which included the construction of a new pitched roof, to increase the height of the existing flat roof of the building. This element has been removed from the proposal; the development no longer seeks consent for the increase in roof height. The proposal to extend the existing flat roof would not increase the height of the building, and due to the location of the development on the front of the property, would not have any negative impacts upon the amenity of the neighbouring properties.

A further objection has been received from the neighbour No. 234 Sunderland Road which raises concerns with respect of the noise associated with the existing use of the site for a nursery and noise generate from the new outbuilding located in the north-east corner of the site against the boundary of the site with this neighbour. As the use of the nursery is already established and the log cabin will be sited in the location of an existing log cabin, it is not anticipated that the proposed development would lead to an unacceptable increase in noise generation from the site. Furthermore, any noise already generated from the site will be within the opening hours of the nursey only.

Comments on the proposal have been received from Northumbria Police to provide advice with respect of the locks of the development. This would not form part of any planning controls, but an informative has been added to provide this advice to the applicant.

Therefore, the proposal is considered acceptable with respect of residential amenity. It would not result in any unacceptable impacts with respect of residential amenity including overlooking, overshadowing and it would not have an unacceptable overbearing impact. The proposals would therefore be in accordance with the NPPF and local policies as set out above.

Ecology

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 minimus exemption under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Noting the above, and whilst not forming part of the planning application (not constituting development for which planning permission would be required) the applicant has advised in their supporting statement that ecological enhancements to the site would be provided with the outdoor space to the front of the proposed new lodge being upgraded with a reduction in the number of hard-surfaced footpaths than at present, and an increase in grassed space. Additionally, a laurel hedgerow is proposed to be planted behind the existing boundary wall that runs along Sunderland Road. Whilst improving on site habitats and landscaping to the site, this would also serve as enhanced screening.

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

Other matters

As part of the proposals, there would be no impact to the existing on- site car parking and cycle parking provision provided for staff and parents/visitors or result in the loss of pedestrian access to the site.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

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

Conclusion

Having regard for the above it is considered that the proposal would result in no significant harm with respect of visual amenity, residential amenity, highway safety and parking, and ecology.

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.

Recommendation

Grant Permission with Conditions

Conditions

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

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

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

Proposed Log Cabin Harton Village Kindergarten – proposed front elevation, proposed flat roof plan, proposed ground floor plan and proposed site plan – received 07.10.2025.

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 materials for the development hereby permitted shall be those as set out in the application form, received 15.04.2026.

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

4 No development shall take place, including demolition and no plant, machinery or building materials shall be brought on to the site until the tree and ground protection measures detailed in the following, have been implemented on site and retained for the duration of the construction works at the site:

Arboricultural Impact Assesssment and Method Statement for Trees at Harton Village Kindergarten Revision A – received 02.12.2025
Aboricultural Impact Assessment and Method Statement Tree Protection Plan Revision A – received 02.12.2025
AIA and AMS TPP Revision A – received 02.12.2025

All works, including Tree works, associated with the development hereby permitted shall be undertaken in accordance with the aforementined details. All tree works shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).

In order to safeguard the trees within the site and in accordance with the NPPF and Policy DM1 (C) of the South Tyneside Local Development Framework 2011.

Informatives

1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

2 Northumbria Police provide the follow advice to the applicant:

‘We would recommend that the doors and window set to be to the standard of LPS 1175 b5 and the locks to be to a 3 diamond standard.’

Case officer: Casey Scott

Signed: C.Scott

Date: 16.04.2026

Authorised Signatory: Helen Lynch

Date: 08/05/2026