



South Tyneside Council

Reference:	250626
Location:	Little Jems Nursery Swinburne Street Jarrow NE32 3ED
Ward:	Bede
Description:	Application for a Lawful Development Certificate for the proposed formation of a new window on the ground floor side elevation
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 Little Jems Nursery, a building located in Jarrow close to the Port of Tyne. It is located on the northern side of the A185.

Relevant Planning History

The planning history of the site is as follows:

Reference: ST/0365/14/FUL

Description: Change of use of existing offices into a children's nursery, 2m high close boarded fencing to enclose flat roof (to create first floor outside play area) and external staircase to east elevation.

Decision: Grant Permission with Conditions

Reference: ST/0441/13/FUL

Description: Proposed Change of Use from Office Space to Dance & Fitness Studio

Decision: Withdrawn

Reference: ST/0443/13/ADV

Description: Advertisement consent for proposed erection of 3no adverts

Decision: Withdrawn

Reference: ST/0323/10/FUL

Description: Proposed sub division of existing roller shutter manufacturing unit (Use Class B1) into 1no. workshop with studio office (Use Class B1), 1no. ground-floor unit and 3no. first-floor units all within Use Class A2 or B1(a) (AMENDED PLANS & DESCRIPTION)

Decision: Grant Permission with Conditions

Reference: ST/1201/09/FUL

Description: Erection of 3.7m high rear boundary wall and construction of new flat roof enclosing rear yard.

Decision: Grant Permission with Conditions

Reference: ST/1992/08/FUL

Description: Proposed change of use from Public House (Use Class A4) to Roller Shutter Manufacturers (B1) with associated works; replacement of existing windows to front elevation, demolition of existing ground floor W.C.'s, removal & block up of 2no. doors at ground floor level, removal & block up of 1no. window at first floor and the installation of a roller shutter at rear elevation.

Decision: Grant Permission with Conditions

Reference: ST/0144/89/UD

Description: Proposed extension to public house including car park

Decision: Grant Permission with Conditions

Reference: ST/1057/88/UD

Description: Extension to public house

Decision: Grant Permission with Conditions

Summary of Consultation Responses

Not applicable.

Summary of Representations

No responses received.

Legal context & government guidance

Section 192 (1) of the Act States:

If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question

Section 192 (2) of the Act States:

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Section 192 (4) of the Act States:

The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Government Guidance (online and in relation to lawful development certificates for proposed development under section 192) includes that:

“A local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

Government Guidance (online, with respect of proposed development under section 192) goes on to state that, in the granting of an application it means that:

“any proposed use or development in accordance with it must be presumed as lawful, unless there is a material change before the use or development has begun (section 192(4)). Examples of such a material change include:

- a direction under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 taking away the particular permitted development right relevant to the certificate; or*
- a statutory amendment to permitted development rights”*

Assessment of the details submitted by the applicant and other evidence of the Council

The application seeks a certificate of lawful development for the proposed installation of a new window at ground floor level in the west of the building. The application site is located on Swinburne Street, close to Tyne Dock. There are no permitted development rights removed for this address.

The use of the building was established under the granting of planning permission ST/0365/14/FUL, which granted permission for the following: Change of use of existing offices into a children's nursery, 2m high close boarded fencing to enclose flat roof (to create first floor outside play area) and external staircase to east elevation.

The use of building as a Nursery falls under Use Class E. Permitted development rights for alterations to commercial properties under Class E properties are set out in Schedule 2, Part 7, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This part of the GDPO includes changing openings.

The information submitted with the application states that the proposed materials used for the new window will be to match the existing building. Therefore, the proposed development meets the requirements and does not conflict with this part of the GDPO.

Therefore, based on the submitted information, it is considered that the proposed development would not require planning permission, as it would be permitted development under Schedule 2, Part 7, Class A of the GDPO.

As such, it is recommended that a Lawful Development Certificate is granted.

Recommendation

Grant Permission No Conditions

List of plans etc. for standard note on decision

Plan Reference

Drg no SC/25/476-301 Proposed new windows details and schedule – received 03.10.2025

Drg no SC/25/476-101 Proposed new windows existing and proposed elevation and block plan – received 03.10.2025
Application form – received 03.10.2025
Cover Letter – received 03.10.2025.

Case officer: Casey Scott

Signed: 26.11.2025

Date: C.Scott

Authorised Signatory: Helen Lynch

Date: 27/11/2025