South Tyneside Council

Reference:	250318
Location:	Land at the Viking Energy Centre site (VENJ site) 2 Blackett Street Hebburn
Ward:	Hebburn North Primrose
Description:	Application for Non-Material Amendment in relation to previously approved Planning Application reference ST/0204/24/LAA, in relation to approved plans (listed in condition 2).
Recommendation:	Approve Non-Material Change
Case Officer:	Garry Simmonette
Case Officer Contact No.:	0191 4247426 or 07741126918

Description of the Site

This application seeks a non-material amendment to application ref: ST/0204/24/LAA, which granted planning permission for a salt barn and erection of modular units with associated storage and parking (to be known as 'South Tyneside Council's Highways Depot at VENJ').

This application seeks to amend this scheme by making non-material amendments to the approved plans listed in condition 2, plus to correct a received date error in that list (as 2023 in it should have read as 2024).

Assessment

Section 96A of the Town and Country Planning Act 1990 states 'that a local planning authority may make a change to any planning permission … if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission … as originally granted.' It also states that powers to make non-material changes also include (amongst other things) a power to '… alter existing conditions'.

The legislation and government guidance does not define what changes may be treated as being non-material.

However, guidance set out in the NMA protocol has been considered in assessing this request.

The changes are driven by proposed amendments to the appearance / size of salt barn, for reasons set out in the covering letter and where it would be slightly smaller because of those. The barn would be located towards the north of the application site and as the planning application report included (amongst other things), that location is both well-spaced from both the public domain at Blackett Street and is also at a noticeably lower ground level compared to Blackett Street.

The proposed changes set out in this NMA application, are considered to have no material effect upon the design quality of the overall development, they would not materially affect wider visual amenity or the amenities of surrounding existing properties or the interests of any third parties that had made representations about the planning application.

Conclusion and Recommendations

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.

Consequently, proposed changes sought are considered to be non-material and so this application is recommended for approval.

Recommendation

Approve Non-Material Change

List of plans etc. for standard note on decision

Condition 2 of ST/0204/24/LAA is herby altered to refer to the following list of approved plans:

Proposed Site Plan Drg. No. 23089-HL-ZZ-ZZ-DR-A-1601-D4 Rev. C02 received 07/05/2025
Proposed Site Fencing Plan Drg. No. 23089-HL-ZZ-ZZ-DR-A-2301-D2 Rev. C02 received 07/05/2025
Lighting Layout Drg. No. 30529-HYD-VJ-ZZ-DR-E-9003 Rev. C02 received 07/05/2025
Proposed Masterplan Existing and Proposed Site Sections Drg. No. 23089-HL-ZZ-ZZ-DR-A-2300-S2 Rev. P02 received 05/08/2024
Proposed Masterplan Modular Office - Elevations Drg. No. 23089-HL-01-ZZ-DR-A-2100-D2 Rev. P05 received 05/08/2024
Proposed Masterplan Modular Office - Roof Plan Drg. No. 23089-HL-01-ZZ-DR-A-2001-D2 Rev. P06 received 05/08/2024

Proposed Masterplan Modular Office General Arrangement Drg. No. 23089-HL-01-ZZ-DR-A-2000-D2 Rev. P06 received 05/08/2024
Proposed Roof Plan - Salt Barn Drg. No. 23089-HL-02-ZZ-DR-A-2001-S4 Rev. P04 received 07/05/2025
Proposed Elevations - Salt Barn Drg. No. 23089-HL-02-ZZ-DR-A-2100-S4 Rev. P04 received 7/05/2025
Level 00 Plan - Salt Barn Drg. No. 23089-HL-02-ZZ-DR-A-2000-S4 Rev. P04 received 07/05/2025

Planting strategy drawings:
Planting Strategy Drg. No. HDV-COL-ZZ-XX-DR-L-5001 Rev. C03 received 07/05/2025
Planting Proposals (1 of 2) Drg. No. HDV-COL-ZZ-XX-DR-L-5002 Rev. C03 received 07/05/2025
Planting Proposals and Planting Schedule (2 of 2) Drg. No. HDV-COL-ZZ-XX-DR-L-5003 Rev. C02 received 07/05/2025
Typical Planting Details Sheet One Drg. No. HDV-COL-ZZ-XX-DR-L-4000 Rev. P01 received 05/08/2024
Typical Planting Details Sheet Two Drg. No. HDV-COL-ZZ-XX-DR-L-4001 Rev. P01 received 05/08/2024

Drainage Strategy Report (ref. 30529-HYD-02-XX-RP-C-0500 Rev. P03) & its Appendix E
Proposed Drainage details, received 05/08/2024, listed below:
Proposed levels Drg. No. 30529-HYD-02-XX-DR-C-2000 rev. P05
Proposed drainage layout Drg. No. 30529-HYD-XX-XX-DR-C-1000 rev. P06
Aco channel details Drg. No. 30529-HYD-02-XX-DR-C-1001 rev. P04
Drainage details Drg. No. 30529-HYD-XX-XX-DR-C-1002 rev. P02
Flood exceedance plan Drg. No. 30529-HYD-XX-XX-DR-C-1003 rev. P04
Maintenance plan Drg. No. 30529-HYD-XX-XX-DR-C-1004 rev. P03
Catchment plan Drg. No. 30529-HYD-XX-XX-DR-C-1005 rev. P03

Case officer: Garry Simmonette
Signed: *G. Simmonette*
Date: 03/06/2025

Authorised Signatory: Seán Gallagher
Date: 04/06/2025