

P23-2349

14 July 2025

Mr Garry Simmonette
Development Management
South Tyneside Council
Town Hall and Civic Offices
Westoe Road
South Shields
NE33 2RL

Dear Garry,

Non-Material Amendment (S96a): Land South of Glen Street, Hebburn (Reference: ST/O338/23/FUL)

Introduction and Background

On behalf of our client, Karbon Homes (the Applicant), we wish to submit a non-material amendment application under Section 96A of the Town and Country Planning Act 1990, in respect of amending the full planning permission (ST/O338/23/FUL) at the above site by South Tyneside Council (the Council), approved on 11 January 2024.

Subsequent to approval of the full planning permission, three non-material amendment applications have also been approved (references: ST/O028/24/NMA, ST/O351/24/NMA and ST/O421/24/NMA). This application seeks to amend a number of plans approved under Condition 2 (Approved Plans), Condition 3 (Tree protection fencing / arboricultural method statement), and Condition 19 (Drainage/SuD's and finished floor levels) of planning permission ST/O338/23/FUL, as amended by applications ST/O028/24/NMA, ST/O351/24/NMA and ST/O421/24/NMA.

This application seeks a non-material amendment to the approved planning permission (ref: ST/O338/23/FUL) to allow for the removal of 17 existing trees and the planting of 17 replacement trees in alternative locations, in order to facilitate the implementation of a revised sewerage route along the northern and eastern boundaries of the site. This change is required to comply with the intent of Condition 19 of the original planning consent.

The revised drainage alignment is required due to health and safety concerns and access constraints associated with working within the public highway. Additionally, a newly installed NPG cable now occupies the previously approved drain route, necessitating the relocation of the drainage works. As a result, certain trees must be repositioned elsewhere on site, and a section of the footpath at the northeast of the site is proposed to be re-aligned to accommodate the new drainage path.



Furthermore, this application includes the relocation of 11 electric vehicle (EV) charging spaces to 11 vehicle parking spaces to the northeastern corner of the site, which were originally proposed along the eastern boundary. This revision does not affect the overall number of parking spaces on site; it represents a reallocation of EV and standard parking spaces to better accommodate the revised site layout. Please note that signage on site is also proposed to be amended to reflect changes to the chosen name of the development.

Submitted Documents

The following documents and plans are included within this submission:

- This Covering Letter;
- Application Form (Planning Portal Reference: PP-14068434);
- Proposed External Levels (dwg. 003-01, Rev. Z);
- Proposed Drainage Layout (dwg no. 010-01, Rev. AE);
- Flood Risk Assessment and Drainage Strategy June 2025, (Ref. 2022092, Rev. D);
- Arboricultural Impact Assessment June 2024 (v1.8);
- Proposed Site Plan (dwg no. 4266-JDDK-XX-XX-DR-A-1002, Rev. C8);
- Proposed Boundary Treatment (dwg no. 4266-JDDK-XX-XX-DR-A-1004, Rev. C5);
- Site Plan (dwg no. 5647-OOB-ZZ-OO-D-L-000001, Rev. P15);
- Proposed Elevations (dwg no. 4266-JDDK-OO-ZZ-DR-A-3010, Rev. C5);

The application fee, which we calculate to be £383.00 (inclusive of the Planning Portal service charge), has been paid via the Planning Portal.

Legislative and Policy Context

The Town and Country Planning Act 1990 consolidates certain enactments relating to town and country planning. An amendment was made by the Planning Act 2008, with the introduction of Section 96A, which allows for the non-material changes to planning permissions. It states at S96A(1) that a local planning authority may make a change to any planning permissions, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

The introduction of the non-material amendment removed the need for an entirely new planning application to be submitted, when only non-material change is sought to an approved scheme. This allows for a quicker, more flexible, and adaptable planning system.

To support this legislation, the Government has provided further clarity in its Planning Practice Guidance (PPG) under the section titled 'Flexible options for planning permissions' (March 2014). This highlights that there is no statutory definition as to what constitutes a non-material amendment and that ultimately this is a planning judgment for the local planning authority to make on a case-by-case basis (see Reference ID: 17a-002-20140306).

Assessment of Changes Sought

This application seeks a non-material amendment to the plans and documents of planning permission reference ST/O338/23/FUL to facilitate the re-routing of a previously approved drainage line, required due to access constraints and health and safety considerations. To accommodate this revised drainage route, 17 trees are proposed to be removed and replaced in alternative suitable locations on site. Associated changes include the re-alignment of a footpath in the northeast corner, the relocation of 11 electric vehicle (EV) charging bays swapping with standard parking spaces (with no change to overall parking provision), and updated site signage to reflect the development's revised name. The table below outlines the updated plans and documents submitted in support of this application.

Approved Plan/Document	Amended Plan/Document
Original Permission – ST/O338/23/FUL	
Condition 19	
Flood Risk Assessment and Drainage Strategy Rev C August 2023	Flood Risk Assessment and Drainage Strategy June 2025, ref. 2022092, Rev. D
NMA May 2024 – ST/O351/24/NMA	
Condition 2	
Proposed Elevations dwg no. 4266-JDDK-OO-ZZ-DR-A-3010, Rev. P11	Proposed Elevations dwg no. 4266-JDDK-OO-ZZ-DR-A-3010, Rev. C5
NMA July 2024 – ST/O421/24/NMA	
Condition 2	
Proposed Site Plan Dwg. No. 4266-JDDK-XX-XX-DR-A-1002 Rev. P9	Proposed Site Plan dwg no. 4266-JDDK-XX-XX-DR-A-1002, Rev. C8
Proposed Boundary Treatment Dwg. No. 4266-JDDK-XX-XX-DR-A-1004 Rev. 7	Proposed Boundary Treatment dwg no. 4266-JDDK-XX-XX-DR-A-1004, Rev. C5
Proposed External Levels dwg no. 003-01. Rev. J.	Proposed External Levels dwg. 003-01, Rev. Z
Site Plan Dwg. No. 5647-OOB-ZZ-00-D-L-000001 Rev. P12	Site Plan dwg no. 5647- OOB- ZZ- 00- D- L- 000001, Rev. P15
Condition 3	
Arboricultural Impact Assessment (v.1.6)	Arboricultural Impact Assessment (v.1.8)

The amendments proposed within this application will not materially affect the planning permission granted and are, therefore, considered to constitute a non-material amendment application under Section 96a.

Summary and Conclusion

This submission is seeking a non-material amendment under Section 96A of the Town and Country Planning Act 1990 in respect of Condition 2 (Approved Plans), Condition 3 (Tree protection fencing /arboricultural method statement), and Condition 19 (Drainage/SuDs and finished floor levels) of application ST/O338/23/FUL, as amended by applications ST/O028/24/NMA, ST/O351/24/NMA and ST/O421/24/NMA.



The requisite form associated with this application has been submitted online via the Planning Portal, reference: PP-14068434, along with this Covering Letter, the aforementioned plans and documents, and the associated fee.

We trust that the above is sufficient and look forward to hearing from you with confirmation that the application has been validated.

Yours sincerely,

Sophie Gooch
Associate Planner