



South Tyneside Council

Reference:	250464
Location:	1-95 Griffin Court Glen Street Hebburn Formerly Land South of Glen Street (former: 4-8 Rose Street, 1-4 Dunelm Court, 1-31 Lincoln Court, 1-10 Rose Court, garage block Glen Street) Hebburn
Ward:	Hebburn North
Description:	Application for a non-material amendment to the previously approved planning application ref: ST/0338/23/FUL. This application seeks to amend plans approved under Condition 2 (Approved Plans), Condition 3 (Tree protection fencing / arboricultural method statement), and Condition 19 (Drainage/SuDs and finished floor levels) of ST/0338/23/FUL, and following a previous non-material amendment ST/0421/24/NMA.
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/0338/23/FUL granted on 11/01/2024, and following approval of previous non-material amendments references: ST/0028/24/NMA, ST/0351/24/NMA and ST/0421/24/NMA.

It seeks to amend this scheme by making changes to the proposed site layout, including to trees and drainage. The submitted covering letter explains why the changes are being sought (including relative to previous NMAs) and that the agent considers they are non-material.

In summary, they are proposed because a part of an underground section of drainage details (previously approved) requires a re-routing due to access constraints and health and safety considerations (so it is not practicable to do), alongside some consequential amendments to trees as a result (in terms of some additional removals and replacements, but no change to overall numbers) and a path; plus adjusting the location of EV car charging points. No existing trees on the site are protected by TPO nor located within a conservation area. For information, this NMA was concurrently submitted with a request seeking to approve details of some of the planning conditions [7-9, 13-14, 16] ref: 250465.

Assessment

Section 96A of the Town and Country Planning Act 1990 states 'that the 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 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'.

As mentioned earlier, there has been previously approved non-material amendments, and these are as follows.

- ST/0028/24/NMA - to approved plans under condition 2 and 3 to reflect changes to the proposed site layout and appearance of the building.
- ST/0351/24/NMA - to approved plans approved under condition 2 to account for changes to the site layout, the elevations and updates to the internal layout (and following a previous non-material amendment).
- ST/0421/24/NMA – to approved plans under conditions 2 and 3 to account for changes to the site layout (and following previous non-material amendments).

The legislation and government guidance does not define what changes may be treated as being non-material, but guidance set out in the NMA protocol has been taken into consideration.

The proposed changes set out in this NMA, and while having regard to them in the context of the previously approved NMAs, are considered to have no material effect upon the design quality of the overall proposed development, are not considered to materially affect wider visual amenity, the amenities of others or the interests of third parties that had made representations about the planning application; and where the planning permission pre-dates mandatory BNG.

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.

As this is not a new planning consent, it is not considered necessary to repeat the conditions. However, the revised plans and details for relevant conditions (2, 3 and 19) are set out in the note below.

Recommendation

Approve Non-Material Change

List of plans etc. for standard note on decision

Condition 2 is hereby altered to refer to the following:

- Proposed Site Plan Drg. No. 4266-JDK-XX-XX-DR-A-1002 Rev. C9 received 05/06/26
- Site Plan Drg. No. 5647-OOB-ZZ-00-D-L-000001 Rev. P16 received 05/06/26
- Proposed Boundary Treatment Drg. No. 4266-JDK-XX-XX-DR-A-1004 Rev. C received 30/07/25
- Proposed External Levels Drg. No. 003-01 Rev. Z received 30/07/25

Condition 3 is hereby altered to refer to the following:

- Arboricultural Impact Assessment (v.1.8) received 30/07/25

Condition 19 is hereby altered to refer to the following:

- Flood Risk Assessment and Drainage Strategy Rev. D received 30/07/25
[including at its Appendix I drawings and it shall thereafter be maintained in accordance with the details it sets out at Appendix J]

Additional note: Any reference in other conditions of the planning permission to specified plans may be taken to read as relating to the relevant plan(s) cited above in this non-material amendment.

Case officer: Garry Simmonette

Signed: *G. Simmonette*

Date: 24/06/2026

Authorised Signatory: Helen Lynch

Date: 24/06/2026