South Tyneside Council

Reference:	260512
Location:	VACANT FORMER HAWTHORN LESLIE SHIPYARD, Ellison Street, Hebburn
Ward:	Hebburn North
Description:	Application for Non-Material Amendment in relation to approved Planning Application ST/0233/24/VC (which itself amended application ST/0228/21/FUL). Amendments to specific elements of the approved housing forming Block A including roof configuration, rear balconies, front entrance railings and external materials.
Recommendation:	Approve Non-Material Change
Case Officer:	Helen Lynch
Case Officer Contact No.:	0191 4247408 or 07741106225

Description of the Site and Proposal

This application relates to the former Hawthorne Leslie shipyard site, Ellison Street, Hebburn. Planning permission was granted in January 2023 for residential led mixed-use redevelopment of the site (Application Ref: ST/0228/21/FUL). A subsequent Section 73 application (Application Ref: ST/0233/24/VC) was approved on 22/04/2026 to vary conditions 2, 7, 11, 32 and 40 of previously approved planning application ST/0228/21/FUL and condition 30 of ST/0163/24/NMA - amendments to Blocks F1-F3 including location, access and parking; redesign and external alterations to Blocks A and F1-F3 and removal of block G2; additional house to block A; relocation of stair core to Block G1/H facilitating additional 4 no. apartments; external amendments including balconies /terraces; additional storey; sub-division of ground floor unit to Block G1 into 2 units; and internal amendments to Block H to retain overall development at 446 units.

As referenced above, there have been previous NMA applications on the site, firstly application reference ST/0553/23/NMA which related to changing the wording of Conditions 3 (Phasing), Condition 12 (Road Safety Audit), Condition 23 (Acoustic Barrier), Condition 26 (Contamination Investigation) and Condition 30 (Drainage).

Secondly, application reference ST/0163/24/NMA which related to amending the wording of Condition 30 (Drainage) and Condition 31 (Verification Reports for Sustainable Drainage System), to allow development to be delivered in a phased manner.

A third application, reference 250578, related to amending the wording of condition 25, which related to Block G (part of Phase 1) and the inclusion of ground floor commercial space below residential accommodation.

This application seeks a non-material amendment in relation to approved Planning Application ST/0233/24/VC (which itself amended application ST/0228/21/FUL) and relates to amendments to specific elements of the approved housing forming Block A including changes to the roof configuration, rear balconies, front entrance railings and external materials.

Block A is located adjacent to and facing towards the River Tyne. The properties are located within Phase 1 of the overall development approved.

The applicant has submitted amended plans, and an application form which details and outline the changes proposed and a covering letter clarifies the reasoning for the changes required.

The proposed changes can be summarised as follows:

- Roof configuration – the amended proposals would introduce a pitched roof, replacing a previously proposed flat roof with roof terrace. The changes are proposed to facilitate the installation of solar panels to properties in Block A.
- Widening of the rear balconies at first floor level – this would improve the useable external amenity space.
- Increase in the number of full-height glazed openings to the rear elevation at ground floor level from 3 no. to 5 no. – this will maximise natural daylight to habitable rooms and improve the connection to the rear amenity space of the dwellings.
- Removal of the front entrance railings to 6no. properties (northern units) – due to reprofiling of the site undertaken through site remediation, the railings are no longer required with resultant site levels.
- Changes to proposed external materials - proposed external facing material amended to buff brick.

In addition to the external alterations as described above, the application submission has also identified internal reconfigurations to provide direct access from the first floor living space to the balcony to ensue all units comprise 4 no. bedrooms.

The applicant has identified that they consider the amendments to be non-material in the context of the approved development and have detailed the changes to condition no. 1 to ST/0233/24/VC, where amendments to previously approved plans for Block A would be required. The table below details the plans as listed in condition 1, which would be omitted and the drawing no's to be inserted.

Approved Drawing Number	Proposed Drawing Number
TMKW-PHS-A-XX-DR-A-07000 rev P04 Floor Plans Type A - 3 bed TMKW-PHS-A-XX-DR-A-07001 rev P01 Floor Plans Type A - 4 bed TMKW-PHS-A-XX-DR-A-07002 rev P01 Floor Plans Type A - 5 bed	18055 P-01 Block A Proposed Plans & Roof Plan
TMKW-PHS-A-XX-DR-A-07100 Rev P04 Block A Elevation	18055 P-05 Type A - Elevations (Sheet 1)
	18055 P-04 Type A – Elevations (Sheet 2)
-	18055 P103 Block A - Proposed Sections
-	18055 P-02 Block A - Contextual Elevation

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.'

The legislation and government guidance does not define what changes may be treated as being nonmaterial. The Council's 'protocol for non-material amendments following a grant of planning permission' (December 2010) seeks to explain the non-material amendment process and set out the procedures involved in considering such changes across Tyne and Wear. This protocol provides guidance criteria to assess such applications.

Accordingly, the key issues in the assessment of this planning application are as follows:
Is the proposed change significant in terms of its scale in relation to the original approval;
Would the proposed change result in a detrimental impact either visually or in terms of amenity; and
Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way

The Tyne and Wear Non Material Amendments Protocol notes that if the answer to any of the above questions is "yes", then the proposed change cannot be accepted as 'non material'.

Is the proposed change significant in terms of its scale in relation to the original approval?

The proposed changes in terms of their scale relevant to the original approval and overall development are not considered significant. The overall scale, quantum, use, and character of the approved scheme would not change from the original approval.

Would the proposed change result in a detrimental impact either visually or in terms of amenity?

The proposed change would not result in detrimental impacts given the nature of the proposed alterations and based on the location of properties in Block A from both existing residential properties and those approved through application ST/0228/21/FUL and subsequently through application ST/0233/24/VC.

Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

The proposed changes in terms of impacts on the interests of any third party or body who participated in, or were informed of the original decision, are not considered to be disadvantaged in any way, given the nature of the proposed alterations, that the development footprint would not be altered and the intervening separation distances from existing properties.

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 wording for condition 1 (omitting and inserting Plan references), is set out in the note below.

Recommendation

Approve Non-Material Change

List of plans etc. for standard note on decision

Application Form – received 21/07/2026
Application Cover Letter – received 21/07/2026
Contextual Elevations Drg. no. 18055 P-02 received 21/07/2026
Proposed Elevations (sheet 2) Drg. no. 18055 P-04 received 21/07/2026
Proposed Elevations (sheet 1) Drg. no. 18055 P-05 received 21/07/2026
Proposed Plans and Roof Plan Drg. no. 18055- P-01 received 21/07/2026
Proposed Sections Drg. no. 18055 P103 received 21/07/2206

Informatives

Condition 1 of ST/0233/24/VC is hereby altered to read as follows:-

The development hereby permitted shall not be carried out other than in complete accordance with the details contained within the following approved plans as detailed below:

Drg no. TMKW-PHS-XX-XX-DR-A-90000 rev P02 Site Plan received 18/07/2025
Drg no. 23067 (PL) 002A Colour Site Masterplan received 21/02/2025
Drg no. 1492_100 Rev D Landscape Strategy received 18/07/2025
Drg no. TMKW-PHS-XX-XX-DR-A-07200 - Site Section received 18/07/2025
Drg no. PCE-ZZ-ZZ-DR-C-1010 -D Phase 1 Drainage Layout received 21/02/2025
Drg no. TMKW-PHS-G-XX-DR-A-07100 rev P04 Block G Elevation Sheet 1 of 2 received 18/07/2025
Drg no. TMKW-PHS-G-XX-DR-A-07101 rev P05 Block G Elevation Sheet 2 of 2 received 18/07/2025
Drg no. TMKW-PHS-G-XX-DR-A-0700 rev P07 Block G Ground and First Floor Plans received 18/07/2025
Drg no. TMKW-PHS-G-XX-DR-A-07001 rev P04 Block G Second to fifth floor Plans received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07000 rev P03 Floor Plans Type F- 3 bed received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07001 rev P01 Floor Plans Type F- 4 bed received 18/07/2025

Drg no. TMKW-PHS-F-XX-DR-A-07002 rev P01 Floor Plans Type F- 5 bed received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07100 rev P04 Block F1 Elevations Sheet 1 of 2 received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07101 rev P01 Block F1 Elevations Sheet 2 of 2 received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07102 rev P01 Block F2 Elevations Sheet 1 of 2 received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07103 rev P01 Block F2 Elevations Sheet 2 of 2 received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07104 rev P01 Block F3 Elevations Sheet 1 of 2 received 18/07/2025
Drg no. TMKW-PHS-F-XX-DR-A-07105 rev P01 Block F3 Elevations Sheet 2 of 2 received 18/07/2025
Drg no. 23067 (PL) H-200 Block H Elevations received 10/04/2024 Drg no. 23067 (PL) H-100 A Block H GA Floor lans received 10/04/2024 Perspective View 01 Issue P03 received 18/07/2025
Drg no. 1492_150 Indicative bin store detail (003) received 1-11-2024
Drg no. 18055 P-01 Block A Proposed Plans and Roof Plan received 21/07/2026
Drg no. 18055 P-05 Type A – Elevations (Sheet 1) received 21/07/2026
Drg no. 18055 P-04 Type A – Elevations (Sheet 2) received 21/07/2026
Drg no. 18055 P103 – proposed Sections received 21/07/2026
Drg no. 18055 P-02 Type A – Contextual Elevations received 21/07/2026

Drawings as follows referenced in planning permission ST/0228/21/FUL and not superseded:

210 Rev.D Block B GA Floor Plans received 01/03/2021;
211 Rev.C Block B GA Floor Plans received 01/03/2021;
212 Rev.A Block B GA Floor Plans received 01/03/2021;
A-06 Rev.4 Block B NE Elevation received 19/05/2022;
A-07 Rev.4 Block B SW Elevation received 19/05/2022;
A-08 Rev.4 Block B Elevations received 19/05/2022;
220 Rev.C Block C GA Floor Plans received 01/03/2021;
221 Rev.C Block C GA Floor Plans received 01/03/2021;
222 Rev.A Block C GA Floor Plans received 01/03/2021;
223 Rev.A Block C GA Floor Plans received 01/03/2021;
A-09 Rev.4 Block C NE Elevation received 19/05/2022;
A-10 Rev.4 Block C SW Elevation received 19/05/2022;
A-11 Rev.4 Block C NW & SE Elevations received 19/05/2022;
A-12 Rev.4 Block D Floor Plans received 19/05/2022;
A-13 Rev.4 Block D Floor Plans received 19/05/2022;
A-14 Rev.4 Block D Floor Plans received 19/05/2022;
A-15 Rev.4 Block D Floor Plans received 19/05/2022;
A-16 Rev.4 Block D NW Elevations received 19/05/2022;
A-17 Rev.4 Block D SE Elevations received 19/05/2022;
A-18 Rev.4 Block D NE Elevation received 19/05/2022;
A-19 Rev.4 Block E Floor Plans received 19/05/2022;
A-20 Rev.4 Block E NE & SW Elevations received 19/05/2022;
A-21 Rev.4 Block E N & S Elevations received 19/05/2022;
243 Block E GA Roof Plan received 01/03/2021;
280 Rev.C Block J GA Floor Plans received 01/03/2021;
281 Rev.A Block J GA Elevations received 01/03/2021;
295 Rev.C Pavillion GA Floor Plans received 01/03/2021;
296 Rev.C Pavillion GA Elevations received 01/03/2021;

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.

Case officer: Helen Lynch
Signed: Helen Lynch
Date: 11/08/2026

Authorised Signatory: Seán Gallagher
Date: 12/08/2026