South Tyneside Council

Reference:	250340
Location:	Apartments 1-12 Sinclair Meadows South Shields NE33 5AB
Ward:	Simonside and Rekendyke
Description:	Application for Non-Material Amendment in relation to previously approved Planning Application ST/0717/22/FUL to change roof tile.
Recommendation:	Approve Non-Material Change
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the Site

This application seeks a non-material amendment to application ref: ST/0717/22/FUL which granted planning permission for alteration of roof tiles to existing residential development comprising 9 houses and 12 apartments on 14/12/2022.

This application seeks to amend this scheme by altering the roof tile used from the approved Metrolite moderna Decra Qube in anthracite grey for Metrolite Decra cube aggregate coated tiles in the colour ebony.

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’.

It is considered that the changes would not be significant in terms of scale in relation to the original approval. The changes would not result in any detrimental impact in terms of visual or residential amenity and no interest of any third party would be disadvantaged. One representation was received from a tenant of the apartments who raised issues relating to the disruption, noise and inconvenience to tenants during works and not the visual impact of the proposals. It is therefore considered that the proposed changes sought are considered to be non-material and so this application is recommended for approval.

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.

Recommendation

Approve Non-Material Change

List of plans etc. for standard note on decision

Plan Reference
Proposed Elevations Received 21/05/2025
Metrotile Qube Roofing Specification Received 22/05/2025

Case officer: Samantha Gallagher
Signed: S Gallagher
Date: 29/05/2025

Authorised Signatory: Helen Lynch
Date: 05/06/2025