

Date: 12th August 2022

Our Ref: S21.156

Planning Department
Neath Port Talbot
Civic Centre
Port Talbot
SA13 1PJ

Suite D, 1st Floor
220 High Street
Swansea
SA1 1NW

Tel: 02920 732 652
www.asbriplanning.co.uk

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 73 APPLICATION TO VARY CONDITION 2 TO ALLOW FOR REPLACEMENT OF APPROVED PLANS AND DISCHARGE OF CONDITIONS 11, 14 AND 18 OF PLANNING PERMISSION P2020/0992
LAND NORTH OF BEVIN AVENUE SANDFIELDS PORT TALBOT SA12 6JU

Asbri Planning has been appointed as planning agent to Tai Tarian to submit a Section 73 application to Neath Port Talbot Council for the variation of condition 2 (Approved Plans) and discharge of conditions 11, 14 and 18 of planning ref: P2020/0992 at land north of Bevin Avenue, Sandfields, Port Talbot, SA12 6JU.

The planning application has been submitted via Planning Portal and the submission documents are listed below.

Document	Prepared By
Covering Letter	Asbri Planning Ltd
Planning Application Forms	Asbri Planning Ltd
Landscape Maintenance Management Plan	-
Energy Assessment	Building Energy Performance Ltd
Energy Assessment Supplementary Report	Building Energy Performance Ltd
Materials Schedule (Ref: N927 - A175 REV B)	Chamberlain Moss King Architecture
Plan	Reference
<i>Site Plans and Elevations</i>	
Site Location Plan	175-DHA-XX-RF-A-DR-0001-02
Site Plan REV G	N297 - A010
Proposed Block 01/02 Elevations 1/2 REV H	N297 - A011
Proposed Block 01/02 Elevations 2/2 REV H	N297 - A012
Proposed Block 03/04 Elevations 1/2 REV H	N297 - A013
Proposed Block 03/04 Elevations 2/2 REV H	N297 - A014
Proposed Block 05/06 Elevations 1/2 REV I	N297 - A015
Proposed Block 05/06 Elevations 2/2 REV J	N297 - A016
Proposed Elevations REV D	N297 - A017
Bin Store Plans & Elevations Sheet 1 REV B	N297 - A019
Bin Store Plans & Elevations Sheet 2 REV B	N297 - A020
Roof Plan REV D	N297 - A021
Overall Ground Floor Plan REV E	N297 - A022
Overall First & Second Floor Plan E	N297 - A023
Overall Third & Fourth Floor Plan D	N297 - A024
Flat Type A01	N297 - A100

Flat Type A02	N297 - A101
Flat Type A03	N297 - A102
Flat Type A04	N297 - A103
Flat Type A05	N297 - A104
Flat Type A06	N297 - A105
Flat Type A07	N297 - A106
Flat Type A08	N297 - A107
Flat Type A09	N297 - A108
Flat Type A10	N297 - A109
Flat Type A11	N297 - A110
Flat Type A12	N297 - A111
Flat Type G01	N297 - A112
Flat Type G02	N297 - A113
Flat Type H01	N297 - A114
Flat Type H02	N297 - A115
Flat Type J01	N297 - A116
Flat Type J02	N297 - A117
Flat B01 REV D	OAD5174_1201
Flat B01.1 REV B	OAD5174_1202
Flat C01 REV C	OAD5174_1210
Flat C01.1 REV B	OAD5174_1211
Flat D01 & D02 REV B	OAD5174_1220
Flat B02.2 REV E	OAD5174_1230
Flat C02.2 REV D	OAD5174_1231
Flat E02 REV B	OAD5174_1232
Flat F01 Proposed Second Floor Rev D	OAD5174_1240
Flat F01 Proposed Third Floor Rev D	OAD5174_1241
Flat E01_Rev B	OAD5174_1250
Proposed Landscape Works REV D	788.01

In addition, the sum of £230 has been paid to Neath Port Talbot Council in payment of the planning fee.

Proposed Variation

As above, this Section 73 application has been submitted to amend condition 2 (Approved Plans) of planning permission ref P2020/0992. Condition 2 states:

"The development shall be carried out in accordance with the following approved plans:

- 175-DHA-XX-RF-A-DR-0001-02 Location Plan
- 175-DHA-ZZ-00-A-DR-0002-13. Site Masterplan
- 175-DHA-ZZ-00-A-DR-0003-08. Masterplan Ground Floor
- 175-DHA-ZZ-01-A-DR-0004-07 Masterplan - First Floor
- 175-DHA-ZZ-02-A-DR-0005-08 Masterplan - Second Floor
- 175-DHA-ZZ-03-A-DR-0006-08 Masterplan - Third Floor
- 175-DHA-ZZ-04-A-DR-0007-08 Masterplan - Fourth Floor
- 175-DHA-ZZ-05-A-DR-0008-09 Masterplan - Roof Plan
- 175-DHA-ZZ-00-A-DR-0125-06 Blocks 01 02 - Proposed Ground Floor

- 175-DHA-ZZ-01-A-DR-0126-06 Blocks 01 02 - Proposed First Floor
- 175-DHA-ZZ-02-A-DR-0127-07 Blocks 01 02 - Proposed Second Floor
- 175-DHA-ZZ-03-A-DR-0128-07 Blocks 01 02 - Proposed Roof Plan
- 175-DHA-ZZ-00-A-DR-0129-06 Blocks 03 04 - Proposed Ground Floor
- 175-DHA-ZZ-01-A-DR-0130-06 Blocks 03 04 - Proposed First Floor
- 175-DHA-ZZ-02-A-DR-0131-07 Blocks 03 04 - Proposed Second Floor
- 175-DHA-ZZ-03-A-DR-0132-07 Blocks 03 04 - Proposed Third Floor
- 175-DHA-ZZ-04-A-DR-0133-07 Blocks 03 04 - Proposed Roof Plan
- 175-DHA-ZZ-00-A-DR-0134-07 Blocks 05 06 07 - Proposed Ground Floor
- 175-DHA-ZZ-01-A-DR-0135-07 Blocks 05 06 07 - Proposed First Floor
- 175-DHA-ZZ-02-A-DR-0136-07 Blocks 05 06 07 - Proposed Second Floor
- 175-DHA-ZZ-03-A-DR-0137-08 Blocks 05 06 07 - Proposed Third Floor
- 175-DHA-ZZ-04-A-DR-0138-08 Blocks 05 06 07 - Proposed Fourth Floor
- 175-DHA-ZZ-05-A-DR-0139-08 Blocks 05 06 07 - Proposed Roof Plan
- 175-DHA-ZZ-XX-A-DR-0225-09 Proposed Elevations
- 175-DHA-ZZ-XX-A-DR-0226-08 Blocks 01 02 - Elevations 12
- 175-DHA-ZZ-XX-A-DR-0227-08 Blocks 01 02 - Elevations 22
- 175-DHA-ZZ-XX-A-DR-0228-08 Blocks 03 04 - Elevations 12
- 175-DHA-ZZ-XX-A-DR-0229-08 Blocks 03 04 - Elevations 22
- 175-DHA-ZZ-XX-A-DR-0230-08 Blocks 05 06 07 - Elevations 12
- 175-DHA-ZZ-XX-A-DR-0231-08 Blocks 05 06 07 - Elevations 22
- edp5837_d001-F-Concept Landscape Plan
- edp5837_d002-E-Concept Site Layout
- 1141 Flat Type A02
- 1142 Flat Type A03
- 1143 Flat Type A04
- 1144 Flat Type A05
- 1146 Flat Type A07
- 1145 Flat Type A06
- 1147 Flat Type A08
- 1148 Flat Type A09
- 1149 Flat Type A10
- 1150 Flat Type A11
- 1151 Flat Type A12
- 1152 Flat Type B01
- 1153 Flat Type B02
- 1154 Flat Type C01
- 1155 Flat Type C02
- 1156 Flat Type D01
- 1157 Flat Type D02
- 1158 Flat Type E01
- 1159 Flat Type E02
- 1160 Flat Type F01
- 1161 Flat Type G01
- 1162 Flat Type G02
- 1163 Flat Type H01
- 1164 Flat Type H02

- 1165 Flat Type J01
- 1166 Flat Type J02
- Travel Plan

Reason: In the interests of clarity."

It is proposed that a number of the above plans are substituted for the approved and the condition is amended to be as follows. The plans are direct substitutions: (note that the changes are identified in **bold**)

"The development shall be carried out in accordance with the following approved plans:

- 175-DHA-XX-RF-A-DR-0001-02. Location Plan
- **N297 - A010 Site Plan REV G**
- **N927 - A011 Blocks 01/02 - Elevations 1/2 REV H**
- **N927 - A012 Blocks 01/02 - Elevations 2/2 REV H**
- **N927 - A013 Blocks 03/04 - Elevations 1/2 REV H**
- **N927 - A014 Blocks 03/04 - Elevations 2/2 REV H**
- **N927 - A015 Blocks 05/06 - Elevations 1/2 REV I**
- **N927 - A016 Blocks 05/06 - Elevations 2/2 REV J**
- **N927 - A017 Proposed Elevations REV D**
- **N297 - A019 Bin Store Plans & Elevations Sheet 1 REV B**
- **N297 - A020 Bin Store Plans & Elevations Sheet 2 REV B**
- **N297 - A021 Roof Plan REV D**
- **N297 - A022 Overall Ground Floor Plan REV E**
- **N297 - A023 Overall First & Second Floor Plan REV E**
- **N297 - A024 Overall Third & Fourth Floor Plan REV D**
- **788.01 - Proposed Landscape Works REV D**
- **N297 - A100 - Flat Type A01**
- **N297 - A101 - Flat Type A02**
- **N297 - A102 - Flat Type A03**
- **N297 - A103 - Flat Type A04**
- **N297 - A104 - Flat Type A05**
- **N297 - A105 - Flat Type A06**
- **N297 - A106 - Flat Type A07**
- **N297 - A107 - Flat Type A08**
- **N297 - A108 - Flat Type A09**
- **N297 - A109 - Flat Type A10**
- **N297 - A110 - Flat Type A11**
- **N297 - A111 - Flat Type A12**
- **N297 - A112 - Flat Type G01**
- **N297 - A113 - Flat Type G02**
- **N297 - A114 - Flat Type H01**
- **N297 - A115 - Flat Type H02**
- **N297 - A116 - Flat Type J01**
- **N297 - A117 - Flat Type J02**
- **OAD5174_1201 - Flat B01 REV D**
- **OAD5174_1202 - Flat B01.1 REV B**

- **OAD5174_1210 - Flat C01 REV C**
- **OAD5174_1211 - Flat C01.1 REV B**
- **OAD5174_1220 - Flat D01 & D02 REV B**
- **OAD5174_1230 - Flat B02.2 REV E**
- **OAD5174_1231 - Flat C02.2 REV D**
- **OAD5174_1232 - Flat E02 REV B**
- **OAD5174_1240 - Flat F01 Proposed Second Floor Rev D**
- **OAD5174_1241 - Flat F01 Proposed Third Floor Rev D**
- **OAD5174_1250 - Flat E01 Rev B**
- *Travel Plan*

Reason: In the interest of clarity"

For the avoidance of doubt, each flat type has been annotated onto the overall floor plans (ref: N297 - A022; A023; A024) to clearly demonstrate the location of the different flat types.

The approved internal and external layout has been altered. These changes were going to be progressed under an NMA application, however as requested by the LPA, we have proceeded with one application that includes all amendments and material changes to the approved plans. Whilst the changes are essentially minor, the approved internal and external layout has been altered as follows and these alterations are requested to be considered:

- Modular end links re-positioned slightly off existing buildings, with the party wall straightened and porch projections aligned with this wall, to ensure modular construction can be achieved off site.
- Windows have been slightly re-positioned to the new build to suit the structural design of the modular units and the constraints of the timber frame.
- Parapet to modular end blocks have been lowered by approx 900mm to comply with the structural wind loadings and timber frame design.
- Corner windows have been removed and replaced with 2no. Windows on either corner, again due to the structural and timber frame design of the blocks.
- PV panels have been omitted from the end modular units to suit the structural and timber frame design of the blocks.
- Ground floor Juliet balcony added to existing flats to provide better security whilst ensuring the open areas remain as communal spaces.
- Air source heat pump external louvre enclosure amended to be single storey over entrance canopy to end link blocks.
- External air source louvered enclosure handed to provide internal riser/access requirements for maintenance.
- Buggy/cycle store added to block 6 and 7 parking courtyards.
- Bin stores slightly re-positioned to suit existing drainage runs, with bin store near block 6 amended in size to suit located of bedroom window.
- Footpaths amended to be Tarmac.
- Windows in communal area to the linked blocks made narrower to ensure 1.8m fire separation distance to existing windows is achieved to comply with building regulations
- 1no. window in block 7 communal area either side of stairwell removed to ensure 1.8m fire separation distance to existing windows is achieved to comply with building regulations.

Appraisal

This section of the letter will discuss the material considerations relevant to the proposed variations which are considered to be as follows:

- Acceptability of a Section 73 application to regularise the proposed changes; and
- Impact of the changes on design.

Acceptability of a Section 73 application to regularise the proposed changes

Given the minor material nature of the changes, it is considered that a Section 73 application is the most appropriate mechanism to enact the amendments. Email correspondence has been ongoing between Asbri Planning Ltd and the LPA to discuss these changes, whereby it was agreed that the Section 73 route was appropriate to follow in this instance. It should be emphasised that the proposal will not result in an alteration to the description of development, unit numbers or car parking provision.

Paragraph 13.3.2 of the Development Management Manual states that Section 73 applications can be used to allow 'minor material amendments' to planning permissions. Paragraph 13.3.4 defines a minor material amendment as:

"One whose scale and nature results in a development which is not substantially different from that which has been approved. A section 73 application achieves this through the amendment of the plans condition imposed on a planning permission"

Therefore given the nature and reasoning behind the changes, there is no doubt that the amendments are "minor". The acceptability of the relevant changes are discussed below.

Impact of the changes on design

To provide context behind the amendment, Tai Tarian originally wanted one brick throughout the development which would complement the other external materials being used. However, the architect struggled to find a brick and brick slip that would perfectly match. As such, the final decision resulted with two bricks in the original planning application.

During design development with Hale's architect and structural warranty provider, it became clear that the brick slip system that had originally been selected was not suited for use on timber frame and Hale were unable to secure structural warranty on the original system as per the existing outline planning permission. Hale have worked with their structural warranty provider to find a Weatherby brick slip system which is suited for use on timber frame but it has required a change in brick and brick slip supplier. The new supplier has been able to source the bricks and brick slips in the same colour as per instruction by Tai Tarian.

Design development also identified that due to large spans over windows in Block 7 which has meant that the construction of block 7 is made up for a combination of both bricks and brick slips as per designs and structural calculations from Hale's engineers, Quad Consult. The use of 2 brick colours would mean a miss-match of bricks throughout the block as the bricks would be one colour and the brick slips another.

It is therefore considered that the proposed alterations will be minor and in turn will have no detrimental impact either visually or in term of local amenity.

Discharge of Condition 11 (Landscape Management Plan) states:

"Prior to the first occupation of any dwelling unit hereby approved, a landscape management plan, including the long-term design objectives, management responsibilities and maintenance schedules, for all landscaped areas, shall have been

submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason: In the interest of visual amenity, and to ensure the long-term management and maintenance of all landscaped areas within the site and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan”.

In order to satisfy the requirements of the above condition, the following document has been submitted for approval:

- Landscape Management Maintenance Plan.

Discharge of Condition 14 (Low Energy Design Measures and Solar PV) states:

“Prior to the construction of any dwelling unit details of the passive and active low energy design measures and the roof mounted solar PV system outlined within the Renewable and Low carbon Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full details of any external materials/apparatus required including elevations, floor plan and site plan where required, and details of how the system will operate. The development shall be constructed in accordance with the agreed details prior to the first beneficial use of the development and retained as such thereafter.

Reason: In the interest of providing low carbon energy generation within the development to accord with the requirements of Policy RE2 of the Local development Plan.”

In accordance with the requirements of the above condition, the following documents have been submitted for approval:

- Energy Assessment;
- Energy Assessment Supplementary Report;
- Air Source Heat Pumps;
 - Product Information Sheet (ref: Ecodan_EHPT15-30X-UKHDW);
 - Monobloc Air Source Heat Pump Product Information Sheet (ref: Ecodan_PUZ-WM50VHA);
- Battery Specification;
 - Pure Storage II DC Battery Brochure;
- M&E Specifications;
 - MEP Building Services Scope of Works;
- PV Details;
 - ValkPVplanner - Project Report;
 - ValkPitched - Roof Membrane - Installation Manual;
 - Solar Panel Coordination - (ref: SL012.1);
- SAP Report Submission for Building Regulations Compliance for Blocks 1 - 7;
- Sero Energy;
 - IES Drawing - New Build;
 - IES Drawing - Retro;
 - Email from Anne-Marie Ratcliffe.

Discharge of Condition 18 (External Materials) states:

"Prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan."

In order to satisfy the requirements of the above condition, the following document has been submitted for approval:

- Materials Schedule REV B (Ref: N297 - A175).

Conclusion

This letter has been prepared on behalf of Tai Tarian to accompany a Section 73 application submitted to Neath Port Talbot Council for the variation of condition 2 (Approved Plans) and discharge of conditions 11, 14 and 18 of planning permission P2020/0992 at land north of Bevin Avenue, Sandfields, Port Talbot, SA12 6JU.

This letter has demonstrated that a Section 73 application is the appropriate mechanism to enact the changes. The changes sought are as a result of detailed design progressing, and do not in any way compromise the high-quality design standard of the approved development. The letter has also identified that the proposed amendments will not result in an adverse impact in respect of design.

The proposed development represents a surely welcomed, high quality, focal development that will actively enhance the streetscape of Bevin Avenue/Dalton Road/Moorland Road.

I trust that the submitted documents allow the application to be validated and look forward to receiving details of the application reference number and target determination date. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours sincerely,



Daniel Lemon – Planner
Asbri Planning Ltd