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Jon Sharp
Planning Department
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

Ref: KD/LF/ER/4066NE/L005

Date: 29th March 2023

Dear Jon,

Application for a Section 73 minor material amendment application in respect to conditions 2 (Approved Plans) and 5 (EV Charging Details) of planning application reference 21/03106/FUL to allow for minor external amendments, approval of EV charging point details and an amendment to the EV charging strategy of the approved Co-operative Food store at Mace Convenience Store, Townfoot, Rothbury, Morpeth, Northumberland, NE65 7SL.

On behalf of our client, Sansec IH1 Ltd, please find enclosed an application for a Section 73 minor-material amendment application in respect of conditions 2 (Approved Plans) and 5 (EV Charging Details) of planning permission 21/03106/FUL.

The application has been submitted via the Planning Portal (PP-12049576) and comprises the following:

Application form

Application fee

Covering Letter (this Letter)

Plans prepared by GDL Architecture:

- 21016-GDL-A1-00-DR-A-2002-A1-C02 - Proposed Site Plan
- 21016-GDL-A1-00-DR-A-2106-A1-C05 – Highway Works Plan
- 21016-GDL-A1-ZZ-DR-A-2102-S3-P08 - Proposed Floor And Roof Plans
- 21016-GDL-A1-XX-DR-A-2210-A1-C03 – GA Elevations North & East
- 21016-GDL-A1-XX-DR-A-2211-A1-C03 - GA Elevations South & West
- 21016-GDL-A1-XX-DR-A-2212-A1-C03 – Shop Front Detail Elevation
- 21016-GDL-A1-XX-DR-A-2495-D3-P01 EV Charging Point Detail

EV charging point data sheet (ref: EVAD-V01-R6)

Bollard details (ref: 11S019-S01-ISSUE-08)

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 73 of the Town and Country Planning Act 1990 states that:

“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

Therefore, in determining a S73 application, the LPA must consider only the question of the conditions subject to which planning permission should be granted.

Background and Proposed Variations

A full planning application (ref: 21/03106/FUL) was granted planning permission on 9th February 2022 for the following:

“Demolition of the existing convenience store (Class E) and construction of a new retail foodstore (Class E) to be occupied by Co-operative Food Ltd.”

This application seeks to amend conditions 2 (Approved Plans) and 5 (EV Charging Details) of planning permission 21/03106/FUL.

The amendments are related to minor changes which have arisen as the detailed design has been progressed by the design team and following coordination with the appointed contractor. The amendments, and the rationale for each change, are set out below.

Please note, the amendments have been discussed and agreed in principle with the LPA prior to submission of this application. It was agreed with the LPA that a Section 73 application was the appropriate method to deal with the changes.

Condition 2 (Approved Plans)

Although largely dealt with under condition 5 as referred to below, it is proposed to relocate the EV charging points originally proposed outside of the shop to the opposite side of Townfoot. The Proposed Site Plan and Highways Works Plan have been updated accordingly and we have submitted an additional EV Charging Point Detail Plan and supporting brochure for approval.

In addition to the above, the first floor, rear quoin detailing approved on the proposed elevations plan is to be removed as the rear elevation has limited visibility and due to the fact that it is proposed to be largely screened by the timber fence.

The updated Level 0 GA Plan, North & East Elevations and Shop Front Detail Elevation also account for new bollards which are required to protect the ATM machine. The submitted bollards details sheet (ref: 11S019-S01-ISSUE-08) provides further information on the specification of the bollards.

Condition 2 requires the development to be in accordance with the approved plans. Consequently, it is proposed to add the following amended and additional plan references to Condition 2 as follows:

New Drawing Reference	Original Drawing Title	Superseded Drawing Reference
N/A – Proposed Block Plan superseded by updated Proposed Site Plan (ref: 21016-GDL-A1-00-DR-A-2002-A1-C02)	Existing and Proposed Block Plans	21016-GDL-A1-00-DR-A-2000-S3-P06
21016-GDL-A1-ZZ-DR-A-2102-S3-P08	Proposed Floor and Roof Plans	21016-GDL-A1-ZZ-DR-A-2102-S3-P07
21016-GDL-A1-XX-DR-A-2210-A1-C03 & 21016-GDL-A1-XX-DR-A-2211-A1-C03	Proposed Elevations	21016-GDL-A1-XX-DR-A-2201-S3-P06
Shop Front Detail Elevation (ref: 21016-GDL-A1-XX-DR-A-2212-A1-C03)	Detailed Front Elevation	21016-GDL-A1-XX-DR-A-2203-S3-P05
21016-GDL-A1-00-DR-A-2002-A1-C02	Proposed Site Plan	21016-GDL-A1-00-DR-A-2002-S3-P04
21016-GDL-A1-00-DR-A-2106-A1-C05	Highway Works Plan	21016-GDL-A1-00-DR-A-2106-S3-P02
EV Charging Point Detail (ref: 21016-GDL-A1-XX-DR-A-2495-D3-P01)	N/A	N/A

Condition 5 (EV Charging Details)

As referred to above, it is proposed to relocate the EV charging points originally proposed outside of the shop to the opposite side of Townfoot as this will provide additional highways relief. The previous proposals would not allow the provision of standard bays outside of the shop, which would dilute the mix of the on-street parking arrangement to an unacceptable level. Three parking spaces are to be relocated to the front of the store from the west of the site where the new bus stop is to be located. The accessible parking bay has also been reconfigured to meet the relevant standards.

The Proposed Site Plan and Highways Works Plan have been updated accordingly and we have submitted an additional EV Charging Point Detail Plan.

We have also submitted the EV charging point data sheet (ref: EVAD-V01-R6) which provides further details on the currently proposed EV charging points. Please note, the EV unit will be a single device which will have a dual charge specification to provide for two EV charging bays. The green box indicated on the Highways Works Plan unit is to allow Northumberland County Council to install an electric meter should this be required to administer the EV charging point.

In light of the above, this application seeks to amend the wording of condition 5 to approve the location and type of EV charging infrastructure and to change the trigger point for implementation as follows:

Currently approved wording:

“Notwithstanding the approved plans, the development hereby approved shall not be brought into operational use until details for 2No. Electric Vehicle Charging points including location on local highway within the vicinity of the site have been submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied and shall thereafter be retained in accordance with the approved details and kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.”

Proposed wording:

“Within 12 months of occupation of the development, the approved electric vehicle charging point shown on the Highways Works Plan ref: 21016-GDL-A1-00-DR-A-2106 rev C05, the EV Charging Point Detail plan ref: 21016-GDL-A1-XX-DR-A-2495-D3-P01 and the ROLECEV Autocharge Data Sheet (or other similar alternative agreed with the LPA); shall be installed. The electric vehicle charging point shall thereafter be retained in accordance with the approved details and kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.”

Consequently, condition 5 would not have to be formally discharged.

Summary

In accordance with S73 of the TCPA, the proposed amendments to planning permission 21/03106/FUL are considered to be minor material amendments when viewed within the context of the wider scheme and as such, this application should be permitted without delay.

We trust the enclosed information is sufficient to allow validation of the application. However, should you have any queries or require additional information, please do not hesitate to contact me.

Yours sincerely,



Kayleigh Dixon
Associate Director
DPP