



BARRATT
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DAVID WILSON HOMES
WHERE QUALITY LIVES

Simon Davis
Principal Planning Officer
Planning Department
Arun District Council
Arun Civic Centre
Littlehampton
BN17 5LF

16th February 2021

Dear Simon,

**Land at Drove Lane, Yapton
Submission of Non-Material Amendment (Section 96A) Pursuant to Outline Planning Permission
Y/92/17/OUT.**

Please find enclosed details pertaining to a Non-Material Amendment (Section 96A) to Outline Planning Permission Y/92/17/OUT to amend 2.no conditions (Condition 9; Proposed Surface Water Drainage Scheme and Condition 12; Proposed Foul Water Drainage Scheme).

Outline Planning Permission was granted on 31 May 2019 for the following:

Outline application with all matters reserved save access, for up to 300 dwellings, link road, surface drainage, open space and landscaping. Departure from the Development Plan and Access route is within the Yapton (Main Road) Conservation Area.

Section 96A of the Town and County Planning Act enables a Local Planning Authority to make changes to a planning permission providing that change is not material. This power extends, under S96A(3)(b), to the alteration or removal of planning conditions.

Planning Conditions 9 and 12 of Outline Planning Permission (Ref. Y/92/17/OUT) require the submission and discharge of information pertaining to drainage *"prior to the approval of any reserved matter"*.

Paragraph 55 of the National Planning Policy Framework (NPPF) notes that Planning Conditions must only be used when they satisfy the following six criteria:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

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In this instance, we do not consider that the test is met because the wording of the condition fails criterion 1 (Necessary) and criterion 6 (Reasonable). Conditions such as this can be discharged prior to the commencement of development once reserved matters layouts are approved. If appropriate, consultation can be had with the LLFA during the consideration of Reserved Matters to agree a drainage strategy without the submission of full drainage details until the subsequent discharge of condition.

The recent refusal of condition discharge (enclosed) serves to demonstrate that it is unreasonable to require the condition to be discharged before a layout is approved.

This Section 96A Application therefore seeks to amend the wording of Planning Conditions 9 and 12 from *"prior to the approval of any reserved matter"* to *"prior to the commencement of each phase of the development"*.

Planning Condition 9 presently reads (our emphasis):

"Prior to the approval of any reserved matter full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the local planning authority, and shall include; ..."

We are seeking to amend the wording (our emphasis):

Prior to the commencement of each phase of the development full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the local planning authority, and shall include; ..."

Planning Condition 12 presently reads (our emphasis):

Prior to the approval of any reserved matter details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate) and no dwelling shall be occupied until works for the disposal of sewage relating to that dwelling have been fully implemented in accordance with the approved details.

We are seeking the wording to be amended to (our emphasis):

Prior to the commencement of each phase of the development details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate) and no dwelling shall be occupied until works for the disposal of sewage relating to that dwelling have been fully implemented in accordance with the approved details.

The submission comprises the following:

- Signed, dated and completed application form;
- Application fee [REDACTED] paid to the Planning Portal;
- Cover Letter;
- Condition 12 (Ref. Y/141/20/DOC) Decision Notice (Refusal) dated 17th December 2020.

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I trust the submission is clear and the Non-Material Amendment (Section-96A) can be approved.

Should you require any further information then please do not hesitate to contact me on [REDACTED]

[REDACTED] or via email at [REDACTED]

Yours sincerely

[REDACTED]
Sean Havis AssocRTPI

Planner

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