

REPORT UPDATE

Application No: Y/99/20/PL

Reason for the Update / Changes

Reason for Update/Changes:

Southern Water have responded to state that they have no objections to rewording of conditions 12, 14 and 16.

The report states that the Deed of Variation to the previous S.106 Legal Agreement will be signed prior to the Committee. This Deed is now ready to be completed however the Council's legal adviser has stated that due to the way the Deed is worded (it takes effect upon completion), it cannot be signed/completed prior to the decision of the committee.

Officers Comment:

It is therefore requested that members make the decision on the condition that a Deed of Variation satisfactory to the Group Head of Planning is entered into within 14 days of the permission being granted and issued.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: Y/99/20/PL

LOCATION: Bonhams Field
Main Road
Yapton
BN18 0DX

PROPOSAL: Variation of conditions following Y/1/17/OUT to reword conditions 12, 14 & 16 as set out in the application covering letter in order to allow for the proposed access works to be implemented separately to the rest of the planning permission.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The purpose of this application is to agree a revision to three pre-commencement drainage conditions to allow the access to be implemented without first having to agree the surface water drainage strategy for the whole site or to agree the overall foul water drainage scheme. The applicant has set out in their covering letter their proposed revisions to the conditions.

The application is accompanied by a plan which confirms the extent of the access works (3.9m of road surface into the site)

which are to be excluded from the three conditions. An additional plan shows that the site access will have permeable paving up to the edge of the highway boundary and also includes the line of an adoptable foul sewer pipe under the access way to connect into the existing sewer under the centre of Main Road.

SITE AREA	3.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	No change.
TOPOGRAPHY	Predominantly flat, but rises gently in a north/north-easterly direction from Yapton Road.
TREES	There are relatively few trees of moderate to high value, the vast majority of which are confined to the site perimeter and outside of the site. An off-site Oak tree overhanging parking spaces 9 & 10 is subject to a Tree Preservation Order (TPO/Y/1/20).
BOUNDARY TREATMENT	The north and west boundaries are defined by established hedgerow and mature trees. Where it meets Main Road, the western boundary also lies adjacent to an existing row of cottages. Several mature trees line the eastern boundary also, together with a flint wall which forms the boundary of the Main Road Conservation Area. Beyond the flint wall lies a row of properties along North End Road. To the south, the boundary is formed of a combination of fencing and low stone walls at the point where it runs along Main Road. Bonhams Farm complex lies to the south of the site, but north of Main Road, and is contained by a flint wall that runs along the application boundary here.
SITE CHARACTERISTICS	An agricultural field formerly used for grazing, immediately abutting the Main Road Conservation Area. The site wraps around Bonhams House, Elms Barn and The Byre but the properties do not form part of the site.
CHARACTER OF LOCALITY	The site is in the settlement boundary of Yapton village. To the east on the corner of North End Road, there is the former Olive Branch public house which has been converted to residential use. Properties on the west site of North End Lane back on to the site. The site is set in an area that has an open character with a mix of large properties in large plots and smaller terraced properties located along Main Road. Residential development is located along the length of North End Road to the east, and along either side of Main Road to the south and west of the site. An established hedgerow runs north to south across the site and towards the eastern end. Main Road serves the village and runs south of the site. The wider village is rural in character benefiting GP surgeries and pharmacy, two churches, a village hall and playing fields, Yapton Church of England Primary School, a pub and a small selection of shops (including post office and local convenience store). Barnham railway station is 2 miles west and a regular

bus service serves the village.

The site has houses backing onto it along the south eastern, southern and western boundaries.

RELEVANT SITE HISTORY

Y/138/20/DOC	Approval of details reserved by condition imposed under ref Y/1/17/OUT relating to Condition No 8 - tree protection and ground protection measures.	
Y/98/20/PL	Erection of 75 No. dwellings with associated parking, public open space & the creation of a new vehicular access. This application affects the character & appearance of the Main Road/Church Road Conservation Area & affects the setting of listed buildings.	
Y/59/20/DOC	Approval of details reserved by condition imposed under Y/1/17/OUT for conditions 5-programme of archaeological work; 6-landscape & layout particulars; 7-Ecological Enhancement and Management Scheme; 8-tree protection measures; 11-exact position of surface water sewer; 17-Soil Resources Plan; 20-Construction Management Plan & 23-lighting strategy.	DOC Part Approved 24-09-20
Y/63/19/RES	Approval of reserved matters following the grant of Y/1/17/OUT for 56 No. dwellings with associated open space & creation of new access. This application affects the character & appearance of the Yapton (Main Road) Conservation Area & affects the setting of listed buildings.	ApproveConditionally 21-02-20
Y/1/17/OUT	Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.	App Cond with S106 07-12-17

The site benefits from extant permission (Y/1/17/OUT and Y/63/19/RES) for 56 dwellings with access from Main Road. The applicant discharged some of the conditions on Y/1/17/OUT and the outstanding pre-commencement conditions are 8 (tree protection), 12 (surface water drainage scheme), 14 (surface

water maintenance manual) and 16 (foul drainage scheme).

An application was made to discharge conditions 8, 12, 14 & 16 under Y/59/20/DOC however it was not possible to discharge the conditions due to a lack of sufficient information so 8 was refused and the rest withdrawn from the application. A new application (Y/138/20/DOC) has been submitted to agree the condition 8 tree protection details.

Y/98/20/PL has been submitted seeking a separate standalone full permission for 75 homes.

REPRESENTATIONS

Yapton Parish Council object for the following reasons:

- (1) potential impact such works may have on flooding of the highway especially during winter months;
- (2) The application must be dealt with as a whole, in line with Y/1/17/OUT and other outstanding conditions and not fast tracked to accommodate the unknown outcome of undecided application Y/98/20/PL; and
- (3) ADC's Drainage Engineer has requested additional information is provided prior to any decision being made on this variation due to concerns relating to flooding of the Highway and this should be addressed.

16 letters of objection raising the following objections:

- (1) The future drainage scheme may require a change to the access configuration or road layout;
- (2) This will allow the developer to build the access road before discharging conditions;
- (3) Need a maintenance plan for the site access;
- (4) Drainage from the access will damage roads and properties;
- (5) ADC Drainage Engineer has requested further information;
- (6) Application is premature and should not be determined before the new application Y/98/20/PL;
- (7) Application will undermine the reasons given for imposing the conditions, namely to ensure proper drainage and is contrary to relevant policies;
- (8) Flooding on Main Road causes issues for road users including pedestrians and results in sewage on the road.
- (9) Conditions attached to Y/1/17 have not been discharged;
- (10) Heavy site traffic already crossing the public footpath to access the site;
- (11) Heavy machinery on site is causing vibration to detriment of listed flint walls;
- (12) Construction vehicles will park in spaces used by residents;
- (13) Different set of material considerations means that this permission needs to be reconsidered;
- (14) Increase in traffic and flooding from the new residential development;
- (15) Harm to wildlife;
- (16) Loss of Agricultural land;
- (17) Harm to heritage assets;
- (18) No drawings to show impact of proposals on existing Listed Buildings;
- (19) Conservation Officer and Southern Water object; and
- (20) Local infrastructure cannot cope.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the Yapton Parish Council objections:

- (1) & (3) ADC Drainage Engineers are happy with the proposals and consider it will not result in flooding onto the highway; and
- (2) This application concerns the permission granted for 56 homes by Y/1/17/OUT. Y/99/20/PL is a

standalone permission for 75 homes on the site. The applications operate independently of each other.

Yapton Parish Council were asked whether, in light of the withdrawal of the ADC drainage concerns, they would withdraw their objection. They maintain their objection on the basis of points 1 and 2 (set out above).

The following comments are provided in response to the resident objections:

- (1) The applicants acknowledged this and the Councils Engineer is now happy to agree the variation of the conditions;
- (2) Yes, this is the purpose of the application;
- (3) The Councils Drainage Engineer has not requested this;
- (4) Following the inclusion of permeable paving as per drawing 23018/707, the Councils Engineer does not have any concerns with off-site flooding;
- (5) This has been submitted and resolved the initial objection;
- (6) This application concerns a variation of Y/1/17/OUT and is a perfectly reasonable approach to the implementation of the permission. Y/99/20/PL is a separate standalone application for 75 homes on the site and the decisions on either application have no bearing on each other;
- (7) Council Engineers disagree as they are now happy with the proposal;
- (8) Noted, the flooding described is an existing situation and the councils drainage engineers do not consider that this application will exacerbate such issues;
- (9) Agreed. This is discussed in the planning history section;
- (10) Noted. It is understood this has been happening because there is no way for vehicles to access the site to carry out preliminary work until the access has been constructed; The application would enable the access to be constructed and thus there would no longer be a need to access the site over the footway;
- (11) Noted however, this is not occurring as a direct result of this current application;
- (12) Noted however, this will not be an issue because of this application. The approved application for 56 homes has a Construction Management Plan which specifies where contractors are to park;
- (13) Noted, there is a valid permission for 56 homes and it is not possible to reconsider it, only to assess whether the wording of the three conditions can be changed so as to allow the access to be implemented separately to the rest of the development;
- (14) - (18) It is not considered that the change in the wording of the three conditions will result in such impacts or result in any additional impacts to these concerns;
- (19) This is not relevant to this application. It is assumed this comment should have been submitted in response to Y/98/20/PL which has been running at the same time; and
- (20) Neither were consulted on this application. It is considered this comment is more relevant to Y/98/20/PL.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - any comments will be reported at the meeting.

ADC DRAINAGE ENGINEERS - initial concerns in that the area subject to the variation is part of the wider surface water drainage storage area for the site and should have a permeable construction. Requested the applicant submit detail evidencing this will be the case to ensure the access way will not result in highway flooding. Also stated it may be the case that the access way will need to be reconstructed if the drainage strategy is changed substantially. Following receipt of a drainage plan showing permeable construction & the applicants acknowledgement that it may be necessary in the

future to redesign the accessway, Engineers withdrew their objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Engineers comment about the potential for changes to the access way has been acknowledged by the applicant and is set out in informative 9 in the recommendation.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Part within Conservation Area (the very south eastern corner);
 Part adjacent to Conservation Area;
 Area of Special Control of Adverts;
 Tree Preservation Order ref TPO/Y/1/20;
 Adjacent to three Grade II Listed Buildings;
 Lidsey Drainage Catchment Area;
 CIL Zone 2;
 Current & Future Flood Zone 1;
 Part within 1:1000 Surface Water Flooding Area (the very south eastern corner); and
 Grades 1/2 Agricultural Land.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Yapton neighbourhood plan 2014 Policy E11 Minimising the impact of flooding from development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for

the relevant designated neighbourhood area.

The relevant policies of the Yapton Neighbourhood Plan have been considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal complies with relevant Development Plan policies in that the changes to the conditions will not result in any adverse impact upon highway safety or adversely affect the provision of future housing development to meet the needs of the district.

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

In addition, section 72(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal complies with these requirements as the changes to the three conditions will have no material impact on the heritage assets.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site benefits from outline permission (Y/1/17/OUT) and has received Reserved Matters approval under Y/63/19/RES. There is now the equivalent of a full planning permission for 56 homes on site.

At the time of writing, there are four conditions which must be discharged prior to commencement works

taking place. Condition 8 (Tree Protection) is currently subject to a discharge application (Y/138/20/DOC). Conditions 12, 14 & 16 are the subject of this application. Should condition 8 be discharged and then 12, 14, 16 varied through this application, the developer will be able to implement the access separately to the rest of the development thus preventing the permission from expiring.

This application relates solely to the wording of two surface water drainage and one foul water drainage conditions. No physical changes are proposed to the location, configuration or dimensions of the access itself and therefore there is no need to re-consider highway safety or any other issues discussed in the original determination.

SURFACE WATER DRAINAGE

ALP Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." It also sets out several requirements in respect of information to support drainage schemes including winter groundwater monitoring, winter infiltration testing and climate change allowances. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

The site not in an area at high current or future risk of flooding from rivers or sea. There is a known surface water flood risk (1 in 1000 year event) on part of the site in the south eastern corner but this is a significant distance from the site access in the south east corner of the site. There are also known surface water flooding areas on Main Road itself (again 1 in 1000 year event).

Condition 12 states: "Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage."

Condition 14 states: "Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life."

Both conditions require approval of details (the drainage scheme and the accompanying maintenance/management scheme) prior to the commencement of development on site. This application proposes to change both conditions to allow the access to be constructed separately from the rest of the development and in advance of agreement to the surface water drainage scheme for the other parts of the development.

Following the receipt of a plan which demonstrates the access will be finished with permeable paving, the Councils drainage engineers withdrew their concerns as to the potential for surface water flooding from the access onto local roads and they now agree to the variation. The proposal will not increase flood risk elsewhere and does not therefore conflict with the relevant development plan policies.

FOUL WATER DRAINAGE

ALP policy W DM1 requires that all major developments demonstrate, that adequate drainage capacity exists, can be provided as part of the development or that facilities can be upgraded prior to the completion and occupation of development. There are no relevant YNDP policies.

Condition 16 states "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

Although Southern Water have not yet responded, they provided comments in response to the discharge of condition 16 (Y/59/20/DOC). They raised no objections to the means of foul disposal as detailed in the plans submitted. These plans detailed the line of an adoptable foul sewer pipe under the access into the existing sewer under the centre of Main Road and so represent the same foul sewer proposal as presented on this application. Notwithstanding this, the Local Planning Authority determined that the condition could not be discharged as the implementation timetable required by the condition had not been provided.

The variation of this condition requires details to be submitted, just that these will be submitted for agreement separate to the construction of the access. As Southern Water recently raised no concerns with the sewage layout (and raised no in principle concerns at the outline stage with the discharge of the development into the foul sewer), it is not considered the laying of the sewage connections in the site access construction works will prejudice the future agreement or delivery of the foul drainage scheme for the rest of the site. There is no conflict with relevant development plan policies.

CONDITIONS:

As the original permission has not yet been implemented (albeit a reserved matters application has been approved), conditions 1 & 2 on Y/1/17/OUT which deal with the time limits for implementation should be amended to make it clear to the applicant that the time periods for commencement continue to be from the date of the decision of Y/1/17/OUT. In addition, it is necessary to amend the plans condition (original condition 3) to refer to the two drawings submitted with this application. New conditions 4, 5 & 6 then reflect the changes to the original conditions 12, 14 & 16. The applicant has agreed to the changes to the conditions as set out in the recommendation.

SUMMARY:

Notwithstanding the concerns of the Parish Council and local residents, it is not considered that the proposal will result in any harm to the site, neighbouring residents or local roads by reason of flooding. Therefore, it is recommended that this section 73 planning application to vary conditions 12, 14 & 16 is granted subject to the following updated conditions and the signed Deed of Variation.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for

their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This decision is to be accompanied by a Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/1/17/OUT. This new DoV inserts a clause which enables the original agreement to also apply to this new S.73 planning permission and/or any subsequent permissions. It also amends the definition of commencement to exclude the access works in line with the changes to the conditions. It is anticipated that this DoV will be signed by the date of the Committee.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of the planning permission under Y/1/17/OUT (07 December 2017):
 - (a) Layout;
 - (b) Scale;
 - (c) Appearance;
 - (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall begin no later than 1 year from the date of approval of the first of the reserved matters (21 February 2020).

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

SK04 Rev C "Site Location Plan";
 01 Rev D "Site Access Plan";
 23018/707 "Section 278/38 Agreement Drawing and Proposed Drainage Layout"; and
 23018/102 "Area of Junction Within Site Boundary".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 4 Development shall not commence, with the exception of the highlighted site access works shown in accordance with plan 23018/102 (identified in blue and pink) which is Appendix 1 to the Covering Letter dated 18/09/20, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage works in the areas identified on the plan referenced above shall be implemented in accordance with drawing 23018/707 "Section 278/38 Agreement Drawing and Proposed Drainage Layout".

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SuDs Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365. Or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained before construction begins on site in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 5 Development shall not commence, with the exception of the highlighted site access works shown in accordance with plan 23018/102 (identified in blue and pink) which is Appendix 1 to the Covering Letter dated 18/09/20, until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure that the efficient maintenance and on-going operation of the SuDS system is incorporated at the earliest stages of the development and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32 and policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 6 Development shall not commence, with the exception of the highlighted site access works shown in accordance with plan 23018/102 (identified in blue and pink) which is Appendix 1 to the Covering Letter dated 18/09/20, until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul drainage capacity exists, or appropriate drainage capacity can be provided as part of the development and provided at the earliest stages of the development in accordance with policies W SP1, W DM1 and W DM3 of the Arun Local Plan.

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 8 INFORMATIVE: All of the conditions imposed on Y/1/17/OUT shall remain in force except for conditions 1, 2, 3, 12, 14, & 16 which are replaced by the conditions 1-6 as set out above.
- 9 INFORMATIVE: Please note that the access drainage works may need to be adjusted if required by the final site wide drainage strategy and should this be the case then a further S.73 application will be required.
- 10 INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted before a Community Infrastructure Levy (CIL) Charging Schedule took effect. Therefore, in accordance with the CIL Regulations 2010 (as amended) there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the Section 73 permission.
- 11 INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/1/17/OUT. This new DoV inserts a clause which enables the original agreement to also apply to this new S.73 planning permission and/or any subsequent permissions. It also amends the definition of commencement to exclude the access works in line with the changes to the conditions.