

## **APPLICATION REPORT – 17/00647/OUT**

**Validation Date: 11 August 2017**

**Ward: Astley And Buckshaw**

**Type of Application: Outline Planning**

**Proposal: Outline application for the erection of a dormer bungalow (all matters reserved save for access)**

**Location: Land Adjacent To 65 Studfold Astley Village**

**Case Officer: Mr Iain Crossland**

**Applicant: Mrs Jenny Taylor**

**Consultation expiry: 30 September 2017**

**Decision due by: 10 November 2017**

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### **RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site comprises part of the garden area and a double garage associated with 65 Studfold. The site is located in the core settlement area at Astley Village. It is positioned at the end of a cul-de-sac within a large housing estate. The character of the area is predominantly residential with properties of modern design set in an estate of sylvan character.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The proposed development seeks outline planning permission for the erection of a dormer bungalow, with all matters are reserved save for access. Access would be taken from the existing driveway that serves 65 Studfold. Although the application is in outline it is proposed that the eventual scale of any dwelling on the site would be limited to a ridge and eaves height of 5.9m and 2.4m respectively.

### **REPRESENTATIONS**

4. Objections have been received from 7 addresses. These relate to the following issues:
  - Impact on local parking conditions and congestion
  - Impact on character of the area
  - Impact on neighbour amenity in terms of outlook, privacy and light
  - Overdevelopment
  - Lack of access for construction phase
  - Subsidence
  - Lack of driveway clearance if existing adjacent garage were extended.

- The drains could not cope
- Devaluation of existing properties
- No development of this land was proposed when adjacent properties were purchased circa 1985
- Impact on the Oak tree and its possible protection
- The applicant works for Chorley Council

## CONSULTATIONS

5. **Astley Village Parish Council:** objects to the proposed development for the following reasons:
  - Lack of information in the application i.e., type, size of property, height etc.
  - Confusion and lack of clarification of the access drive (sketch not adequate)
  - Items not included on the plans (i.e., garages, out houses etc.)
  - Large Oak tree disruption. The tree should be protected by a TPO.
  - Neighbouring properties privacy and boundary concerns
  - Disruptions during the build
  - Historic water-course problems in that area could cause damage to other properties
  - Parking and access issues for the flats i.e., sharing drives already
6. **The Coal Authority:** The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.
7. **United Utilities:** No objection.
8. **Lancashire Highway Services:** No objection.

## PLANNING CONSIDERATIONS

### Principle of development

9. The National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
10. Policy 1(b) of the Central Lancashire Core Strategy states that growth and investment will be concentrated in Key Service Centres including Chorley Town, which includes Astley Village where the site is located, therefore the proposed development is in line with this policy.
11. The current use of the site is as part of the garden to a dwellinghouse. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location within easy access of amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
12. Policy HS3 of the Chorley Local Plan 2012 - 2026 states that development within private residential gardens on sites not allocated for housing will only be permitted for:
  - (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement.
  - (b) the conversion and extension of domestic buildings.
  - (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
13. The proposed development does not specifically comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not reflect the

definition of a typical infill plot in that it does not fill a small gap in a built up frontage between dwellings, but rather fills a small gap in a corner plot of the cul-de-sac.

14. Notwithstanding this paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities. In essence the policy has been designed to protect character.
15. It is noted that the dwellings of the estate are of differing designs but from a similar period, so there is a degree of consistency in terms of materials. The application site forms part of an unusually large garden for this area. As the indicative layout plan suggests the proposed dwelling would be set back within the corner of the site and would be located behind existing garages. The positioning would be such that it would not be particularly visible from public areas, particularly given that it would be a dormer bungalow limited in height.
16. The eventual scale of any dwelling that could be built on the plot would be smaller than the surrounding dwellings, and could be done to maintain a building to plot ratio that reflects the building density and character of the area. The proposal for a single detached dormer bungalow on the site would not harm the character of the area, subject to appropriate design, which would need to be approved through a reserved matters application.
17. Policy HS3 includes the additional sustainability criteria detailed above, and in terms of this issue there are factors which weigh in favour of the proposal. The site is located in the core settlement area at Astley Village with a good level of accessibility to shops, schools and other services and amenities, public transport and local employment opportunities.
18. The proposed development would not be contrary to the objectives that Policy HS3 has been designed to achieve, as the character of the area would not be harmed. On this basis the principle of the development is considered to be acceptable in this instance, subject to other material planning considerations being acceptable.
19. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

#### Impact on character and appearance of the locality

20. The proposed development is for a single dormer bungalow to be located on the garden to the side of 65 Studfold following the demolition of the existing double garage. The indicative layout plan suggests that the dwelling would be positioned to the side of the building at Studfold and set back from the building line. It would share vehicular access to the highway with 65 Studfold.
21. The proposed dwelling would not be particularly prominent as it would be partially screened from view by the dwelling at 65 Studfold and existing single garages adjacent to this property. It would also be visible to some extent from the footpath connecting Edgefield with Long Croft Meadow.
22. In terms of the eventual design and appearance of the dormer bungalow the scale would be limited to a ridge and eaves height that should not exceed a height of 5.9m and 2.4m respectively. It is expected that any proposed dwelling type would take design cues from surrounding properties, particularly in terms of facing materials.
23. The indicative positioning of the proposed dwelling would be unobtrusive and would have little impact on the street scene and character of the area. The indicative site plan suggests that adequate residential garden would remain for both 65 Studfold and the proposed

dwelling. The plans also indicated that adequate space for parking and general amenity would remain for both 65 Studfold and the proposed dwelling. No boundary scheme is included at this stage, however, this would form an important component as regards the details of any eventual development.

24. In consideration of the above it is considered that an appropriately designed dormer bungalow of the scale proposed could be accommodated on this site, without detriment to the appearance of the site and character of the street scene and wider area.

#### Impact on neighbour amenity

25. The application seeks outline planning permission at this stage for the erection of a dormer bungalow, however, parameters of height have been proposed and an indicative site plan provided that details the possible layout of the eventual scheme. The eventual scale of any dwelling on the site would be limited to a ridge and eaves height of 5.9m and 2.4m respectively.
26. The application site is bound by dwellings to the north, south and east. The dwelling to the north at 69 Long Croft Meadow is immediately adjacent to the site and the proposed dwelling. The main rear elevation of this property would be located at least 11m from the position of the proposed dwelling shown on the indicative layout plan provided, which would have an off-set position relative to this property. The proposed dwelling would be limited in height, by condition, and on this basis it is considered that a dormer bungalow could be designed and positioned in such a way that there would not be an unacceptable impact on outlook, privacy or light in relation to 69 Long Croft Meadow.
27. The indicative layout suggests that the proposed dwelling would be located approximately 8m corner to corner from the dwelling to the south east at 17 Edgefield. The proposed dwelling would only be visible at an angle from this dwelling, and could not have any parallel facing windows, as the two properties would not directly face one another. It is therefore considered that a dormer bungalow on the site could be designed and positioned in such a way that there would not be any unacceptable impact on outlook, privacy or light in relation to the occupiers of 17 Edgefield.
28. The indicative layout suggests that the proposed dwelling would be located approximately 12m corner to corner from the dwelling to the north west at 71 Long Croft Meadow. The proposed dwelling would only be visible at an angle from this dwelling and could not have any parallel facing windows, as the two properties would not directly face one another. It is therefore considered that a dormer bungalow on the site could be designed and positioned in such a way that there would not be any unacceptable impact on outlook, privacy or light in relation to the occupiers of 71 Long Croft Meadow.
29. The indicative layout suggests that the proposed dwelling would be located approximately 7.5m corner to corner from the dwellings at 65 and 65a Studfold to the south west. The proposed dwelling would not face those of 65 and 65a Studfold, and would therefore have no impact on privacy or outlook. As it would be located to the north there would be no impact on light.
30. A full assessment of the impact on the amenity of neighbouring occupiers would be carried out at reserved matters stage or in the event of an application for full planning permission. It is considered that a single dormer bungalow of a maximum ridge and eaves height of 5.9m and 2.4m respectively could be designed and positioned in a layout similar to that shown on the indicative site plan without causing any unacceptable impact to the occupiers of the neighbouring dwellings.
31. Some concerns have been raised in relation to the potential noise and disturbance created as a result of the implementation of any development of the site. Although it is acknowledged that the implementation phase of a development can result in some disturbance and inconvenience to local residents, this would only be a temporary situation.

#### Highway impact and access

32. The application seeks outline consent for a dormer bungalow comprising of an unspecified number bedrooms with all matters reserved, except the access. It is apparent from the comments received that residents of the area are concerned about the potential impact of the proposed development on the existing highway network including possible loss of existing parking spaces if the proposal were to go ahead. Residents are also concerned that the development might exacerbate the already traffic conditions in the cul-de-sac leading private accesses and driveways to become blocked by parked vehicles.
33. The proposed number of bedrooms have not been indicated, however, as the indicative layout plan shows that only two car parking spaces can be accommodated within curtilage of the proposed dwelling, it should be ensured that the eventual number of bedrooms does not exceed three, in line with the Chorley Council Parking Standard. This would be determined at reserved matters stage. The indicative layout plan shows that two car parking spaces would be retained for the occupiers of 65 Studfold, which is in line with the Chorley Council Parking Standard.
34. The site is accessed from the highway via an existing access shown to be part of the applicant's boundary. LCC Highways confirm that the access does not appear to have encroached any part of the adopted highway within the area of the cul-de-sac fronted by property numbers 61A to 71. Within this area, the adopted highway includes the following:
- the footpath extending across Studfold along the boundaries of nos 59 & 73.
  - the carriageway and its adjoining footway in front of house nos 65 to 71, including the two turning heads.
  - the footpath and the planting in front of nos. 61A to 63.
  - the grassed area adjacent no. 59 separated by the footpath.
35. All other areas of this part of the cul-de-sac are un-adopted and as such not maintainable at public expense. From a highways perspective, traffic movements associated with the two vehicles would have minimal impact on the operation of the highway network and as all two vehicles would be accommodated off-street, it is not considered they would be displaced onto the highway or cause an obstruction to private accesses and driveways, which residents are concerned about.
36. Should obstructions to private accesses and driveways occur, residents can report offenders to the Police who have powers to prosecute under the Highways Act 1980 or Town Police Clauses Act 1847. Lancashire County Council can only object to planning proposals if there are sufficient and reasonable highway grounds for doing so. In this case however, it is not considered such grounds exist for highway objection to be raised to the proposal. The access is therefore considered acceptable for use to access the proposed development of a single dormer bungalow. The layout of any reserved matters application to be submitted would be checked for compliance with current guidance and policies to ensure safety, however, it is considered that given the indicative layout and site area these standard could be achieved.

#### Flood risk

37. The site is relatively flat and there are no watercourses nearby. The site is not in a flood risk zone, nor is it in an area susceptible to surface water flooding.
38. Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.
39. Surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

40. Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. A condition is recommended requiring details of a surface water drainage scheme.

#### Public Open Space

41. The Development Plan requires public open space (POS) contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
42. A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites (i.e. 11 or less) and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).
43. The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.
44. The Court of Appeal judgement does however state that “the aim or goal of a policy’s author is that his policy should be followed” this remains subject to “the proper operation of s 38(6)” and that the policy guidance does not have to explicitly express that an alternative view can be reached as “the changes were introduced as policy, not binding law”. The judgement goes on to highlight “In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy” (evidence submitted on behalf of the SofS)
45. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to National Policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
46. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.
47. Therefore, a POS commuted sum is not requested for this scheme.

#### Other matters

48. Lack of adequate detail submitted: The planning application is in outline only with all matters reserved. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more ‘reserved matters’, at which stage greater detail would be submitted for the Council’s consideration. Only information

about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission. It is considered that in this instance adequate information has been submitted in support of the application to determine the general principles of the proposed development on the site in question.

49. Subsidence: the responsibility for safe development and secure occupancy of the site rests with the developer.
50. Lack of driveway clearance if existing adjacent garage were extended: The applicant has demonstrated that they own an adequate width of driveway to facilitate the movement of cars.
51. Devaluation of existing properties: This is not a material planning consideration.
52. No development of this land was proposed when adjacent properties were purchased circa 1985: It is not possible to anticipate what future development may be proposed on a site in private ownership, and it must be considered that planning policies can and do change within periods of time extending to decades.
53. Impact on the Oak tree and its possible protection: It is not considered that the oak tree adjacent to the site is worthy of protection as the level of public amenity that it provides is limited. The tree is only visible from a limited number of receptors in the public domain, chiefly from the head of the cul-de-sac therefore its significance to the character of the local area is limited.
54. Lack of access for construction phase: The logistics of delivering any approved development is a matter for the developer to determine with regard to normal land ownership and access rights.
55. The applicant works for Chorley Council: It is noted that the applicant works for Chorley Council, however, as a resident of Chorley and owner of property in the Borough the applicant has no option but to apply for planning permission to Chorley Council as local planning authority. The Council's policy and guidance has been applied to the assessment of this application as it would be in any other case.

## **CONCLUSION**

56. It is considered that the 'principle' of a dormer bungalow on this site is acceptable due to the sustainable credentials of the site and its characteristics. It is considered that a dormer bungalow of the height proposed could be designed and positioned without causing undue harm to the appearance and character of the area or to neighbour amenity.
57. In addition it is considered that adequate parking could be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 05/00384/INV **Decision:** APPVAL **Decision Date:**  
**Description:** Single storey rear extension to ground floor apartment,

**Ref:** 05/00953/FUL **Decision:** PERFFP **Decision Date:** 21 November 2005  
**Description:** Single storey rear extension to ground floor apartment,

Suggested Conditions

No.	Condition												
1.	<p>An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>												
2.	<p>No part of the development shall be occupied or brought into use until details of the car parking provision has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall accord with the Chorley Council Parking Standard. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.</p> <p>Reason: To ensure the provision of adequate car parking on site and in the interest of highway safety.</p>												
3.	<p>The development shall be limited to no more than four new dwellinghouses and shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="400 1115 1294 1272"> <thead> <tr> <th data-bbox="400 1115 767 1144">Title</th> <th data-bbox="767 1115 1038 1173">Drawing Reference</th> <th data-bbox="1038 1115 1294 1144">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="400 1173 767 1202">Location Plan</td> <td data-bbox="767 1173 1038 1202">N/A</td> <td data-bbox="1038 1173 1294 1202">27 June 2017</td> </tr> <tr> <td data-bbox="400 1202 767 1232">Proposed site plan</td> <td data-bbox="767 1202 1038 1232">N/A</td> <td data-bbox="1038 1202 1294 1232">20 September 2017</td> </tr> <tr> <td data-bbox="400 1232 767 1261">Proposed dwelling scale</td> <td data-bbox="767 1232 1038 1261">N/A</td> <td data-bbox="1038 1232 1294 1261">20 September 2017</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location Plan	N/A	27 June 2017	Proposed site plan	N/A	20 September 2017	Proposed dwelling scale	N/A	20 September 2017
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4.	<p>Either as part of any reserved matters application or prior to the commencement of the development details that the driveways/hardsurfacing areas for each of the dwellings shall be provided and approved in writing by the Local Planning Authority. This shall include details of their construction using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The driveways/hardsurfaced areas shall then be provided in accordance with the approved details prior to occupation of each of the properties. The materials shall be maintained in perpetuity thereafter.</p> <p>Reason: In the interests of highway safety and to prevent flooding.</p>												
5.	<p>Either as part of any reserved matters application or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>a) Details of the colour, form and texture of all external facing materials to the proposed dwelling</li> <li>b) Details of the colour, form and texture of all hard ground- surfacing materials.</li> <li>c) Location, design and materials of all fences, walls and other boundary treatments.</li> <li>d) The finished floor level of the proposed dwelling and any detached</li> </ul>												

	<p>garages</p> <p>The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.</p> <p>Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents</p>
6.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
7.	<p>Either as part of any reserved matters application or prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
8.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
9.	<p>No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.</p> <p>Reason: Nesting birds are a protected species.</p>
10.	<p>Either as part of any reserved matters application or prior to the commencement of the development a scheme for the provision and implementation of a surface water regulation system shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme</p>

	<p>has been implemented in accordance with the approved plans.</p> <p>Reason: To secure proper drainage and to prevent flooding.</p>
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