
Appeal Decision

Inquiry held on 14 & 15 January 2014

Site visit made on 15 January 2014

by Anthony Lyman BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2014

Appeal Ref: APP/A2335/A/13/2205319

Land to the east of Coastal Road, Bolton-le-Sands, Lancashire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Oakmere Homes Limited against the decision of Lancaster City Council.
 - The application Ref 13/00029/FUL, dated 11 January 2013, was refused by notice dated 27 August 2013.
 - The development proposed is the erection of 37 dwellinghouses with associated new access and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 37 dwellinghouses with associated new access and landscaping at land to the east of Coastal Road, Bolton-le-Sands, Lancashire in accordance with the terms of the application, Ref 13/00029/FUL, dated 11 January 2013 subject to the conditions set out in the attached schedule.

Application for Costs

2. At the Inquiry an application for costs was made by Oakmere Homes Limited against Lancaster City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of the proposal given above is taken from the Council's Decision Notice as it more fully describes the development.
4. The Decision Notice gives four reasons for the refusal of the application. Approximately one month before the date of the Inquiry, the Council confirmed that they would no longer be pursuing two of the reasons for refusal relating to the amount of affordable housing and educational provision. Subsequent to the refusal, the Council had accepted the appellant's offer of 30% affordable housing on the site, and the education authority, Lancashire County Council, had confirmed that they were no longer seeking a contribution to mitigate the impact of the development on primary school places.

Main Issues

5. The main issues are, i) whether the proposed drainage scheme, would ensure that the development would not lead to surface water flooding, ii) whether the proposed development of the appeal site would prevent the optimal development potential of the wider housing allocation, iii) whether there are other considerations to outweigh any harm arising from the development.

Reasons

Background

6. The appeal site is an area of agricultural land, largely surrounded by residential development, alongside the A5105 Coastal Road, within the settlement of Bolton-le-Sands. The site is the central part of a wider area of land allocated for housing in Policy H5 of the Lancaster District Wide Local Plan (the Local Plan). The Policy identified that the overall site would provide about 50 dwellings in the intended plan period to 2006. In 2011 the Council's Planning and Highways Regulatory Committee resolved to grant outline permission for up to 77 dwellings on the entire allocation, subject to the completion of a s106 obligation. That agreement has not been forthcoming and the planning permission has not been issued.
7. Local residents object to the loss of this green space, arguing that previously developed land should be used first. However, the site is identified as suitable for residential development within the Council's latest Strategic Housing Land Availability Assessment (SHLAA) and given its allocation in the Local Plan and its planning history, the principle of using the appeal site for housing is well established and accepted by both main parties.
8. The appeal proposal seeks full permission for a development of 37 dwellings off a new highway access from Coastal Road.

Drainage

9. The fields slope up from Coastal Road to the elevated banks of the Lancaster Canal. According to the Council, the fall across the site is about 10.5m. The site is in a Flood Zone 1, where in principle, housing would be appropriate. Nevertheless, residents and the Council's witness argued that at times, surface water already stands on the site, and that the increased runoff from the development's roofs and hard surfaces would exacerbate the situation and could lead to flooding of the busy Coastal Road and potentially the houses on the opposite side of the road.
10. Foul water from the development would be discharged into the existing combined sewer in Coastal Road. However, United Utilities confirmed that, as the sewer has limited capacity, consent would not be granted for surface water to discharge into it. A detailed Sustainable Drainage System (SuDS) for the appeal site has, therefore, been submitted comprising cellular storage soakaways and rainwater harvesting facilities for each property. The strategy evolved through a demanding process involving input from Lancashire County Council as the lead local flood authority and the Environment Agency. The proposed drainage system, has been designed to accommodate a 1 in 100 year event plus an allowance for climatic change and would also 'half empty' within a period of less than 24 hours of the same event.

11. Lancashire County Council's SuDS and Consenting Flood Risk Management Team, United Utilities as the sewerage undertaker for the area, and the Environment Agency have all endorsed the proposed SuDS subject to conditions. At the Inquiry, the Council's witness accepted that the 'technical experts' had not raised any objections to the scheme. Nevertheless, the Council argued that it had not been confirmed that the scheme would comply with any emerging standards for the adoption of SuDS by public bodies as intended in the Flood and Water Management Act 2010. The Council's main concern was whether the system would be properly maintained by a private management arrangement and, if it was not or the management arrangements failed, that the burden of dealing with a dysfunctional system would fall upon a public body through enforcement powers.
12. Although the above Act provides for the introduction of SuDS Approving Bodies, national standards for SuDS and a statutory adoption process, none of those provisions are currently in force and it would be unreasonable to delay a development pending their introduction at some stage in the future. In any event, the County Council would become the SuDS approving body and they have endorsed the proposed scheme. I note also that there is no requirement in either national or local policy for a suggested bond arrangement associated with a privately managed SuDS. The Council conceded at the Inquiry that there would be no circumstances in which the Council would become responsible for the maintenance of the drainage system.
13. The appellant gave examples of other privately managed drainage schemes in the region which were said to be operating successfully, and identified developments granted planning permission by the Council where privately maintained SuDS schemes had been endorsed. The Council responded that it was the unique circumstances relating to the sloping appeal site with its history of drainage issues that had prompted the concerns about similar private arrangements on this site. However, the Council produced no convincing evidence to substantiate their concerns.
14. I conclude on this issue that, on the evidence before me, there is no reason to doubt the efficacy of the proposed surface water drainage scheme or the future maintenance arrangements which will be secured by a condition. The development would meet the challenge of climate change and ensure that flood risk is not increased elsewhere in accordance with the National Planning Policy Framework (the Framework) and Policies SC1 and SC7 of the Lancaster District Core Strategy.
15. The Council considered that the development would be contrary to Policies DM38, DM39 and DM35 of the Development Management Development Plan Document of the emerging Lancaster District Local Plan. However, as that document has yet to be subject to examination, the weight attached to these policies is limited.

Piecemeal Development

16. The Council argue that allowing the development of this central appeal site would jeopardise the potential of the wider housing allocation to accommodate development and to provide overall solutions to the allocation's 'complex challenges' relating to highways, drainage, design and layout.

17. It is clear that the two remaining parts of the allocation could not be developed without access to the new spine road and highway junction proposed as part of the appeal scheme. The Council's concern was that the appellant might retain a ransom strip between the appeal site and the two neighbouring landholdings, thereby putting the development of the two remaining sites at risk. However, the Council submitted no convincing evidence to support that stance and I note that the adjacent landowners raised no objections to the appeal development, as might have been expected if they had thought that the appeal scheme would landlock their holdings. The Council referred to the case of *R v Gillingham Borough Council*¹ regarding the necessity to provide road linkages to the other parts of the allocation. However, I agree with the appellant that such access could not be achieved by a condition as it would not fairly and reasonably relate to the proposed development.
18. The proposed layout of the development and of the highways closely reflects the outline application for the whole allocation which the Council had previously resolved to allow. The appellant confirmed that the land ownership situation now is no different to that which existed at the time that the committee resolved to grant the outline application. Irrespective of whether the site was developed as a whole or in three phases, the commercial arrangements between landowners would be the same with the appellant controlling the access to the adjoining sites.
19. With regard to the Council's challenge about design, the development of the whole allocation would enable a uniform design to be achieved on this prominent site. Nevertheless, although there is a diverse range of property styles surrounding the site, there is little reason why the normal development control process could not achieve sympathetic layouts and architectural styles of housing on the two adjacent sites.
20. In response to the Council's concerns regarding the piecemeal development of surface water drainage of the allocation, the appellant undertook percolation tests on both of the adjacent landholdings. These demonstrated that either site could be drained sustainably and independently of the proposed surface water drainage scheme for the appeal site. The Council presented no evidence to dispute these findings.
21. At the Inquiry the Council also argued that if the three parcels of lands were developed separately, economies of scale would be lost, potentially resulting in the two adjacent schemes being rendered financially unviable, for instance with regard to the provision of affordable houses or education contributions. If the housing allocation was developed as a whole, the cost of such contributions could be borne by the entire development, whereas the smaller later phases might have limited ability to support affordable housing or other contributions. The Council argued that this risk is a negative factor weighing against the grant of planning permission. However, the Council confirmed that *it is not possible to say with certainty whether it (the risk) will be realised*. I agree with that view and, therefore, attach only limited weight to this potential harm.
22. I conclude that I have seen little substantive evidence to demonstrate that the appeal scheme would jeopardise the development of the Coastal Road housing allocation, and that the potential of the overall site could still be optimised in accordance with the requirements of paragraph 58 of the Framework.

¹ *R (ex p Parham) v Gillingham Borough Council and Others* (1989) 58 P. & C.R. 73

Other considerations

23. Lancaster City Council cannot demonstrate a five year supply of housing land. In the Statement of Common Ground the parties agree that there is currently a deliverable housing land supply of 2.2 years. In such circumstances paragraphs 49 and 14 of the Framework are engaged. They confirm that relevant policies for the supply of housing should not be considered up to date and that planning permission for developments should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework's policies taken as a whole.
24. The benefits of the scheme include investment in the local economy and the creation of jobs during the construction phase, increased support for local shops and businesses by the future occupants of the development, the provision of market and affordable houses in a sustainable location and the opportunity to resolve longstanding potential surface water drainage issues of concern to local residents. These substantial benefits significantly and demonstrably outweigh any limited potential harm arising from the piecemeal development of the overall allocation.

Section 106

25. A signed and dated Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) was submitted by the appellant. The Undertaking relates to the provision of eleven affordable housing units on the appeal development. Having regard to Policy SC4 of the Lancaster District Core Strategy, I am satisfied that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the proposal, thereby meeting the tests set out in the Framework.

Conditions

26. A revised list of 26 conditions agreed between the main parties, following detailed discussions at the Inquiry, has been submitted. I will consider and where necessary amend the suggested conditions having regard to the Circular 11/95 – *The Use of Conditions in Planning Permission*.
27. In addition to the standard implementation condition, it will be necessary for the development to be undertaken in accordance with the approved plans for the avoidance of doubt. In the interests of the amenity of local residents and highway safety a construction method statement will be required setting out amongst other things, hours of construction, measures to control noise and dust, vehicle route plans and a scheme for recycling/disposing of waste. A condition relating to any unforeseen soil contamination will be imposed in order to minimise the risk to future occupants, site workers, nearby residents and the local environment. In the interests of highway safety conditions will secure the vehicular and pedestrian access points to the site, the visibility splays, the internal estate roads, car parking provision, the off-site highway improvements and external lighting, the latter also being in the interests of residential amenity and local habitats.
28. In the interests of sustainable transport, the proposed cycle link will be secured by condition. To ensure that adequate off-street parking facilities are retained, the use of the garages will be controlled by condition. In the interests of the

visual amenity of the area and to enhance biodiversity, conditions will secure habitat creation and enhancement and mitigation measures. Also in the interests of the visual amenity of the area, conditions will secure hard and soft landscaping schemes, measures to protect hedges and trees on the site, details of boundary treatments around the site and individual plots, and the materials to be used in the external surfaces of the dwellings.

29. Permitted development rights relating to developments within the curtilage of a dwellinghouse, extensions, porches or roof extensions and certain fences, walls or other means of enclosure will be removed in the interests of the character and appearance of the area. The provision and management of public open spaces will be secured in the interests of the residential amenity of local residents. For the same reason obscure glazing will be required of certain side bedroom windows in specific house types. In the interests of sustainability the dwellings will be constructed so as to achieve specific sustainability standards.
30. In order to minimise the risk of flooding both on and off the site, conditions will require foul and surface water from the site to be drained separately, and will require the submission and implementation of a detailed surface water drainage system. For the same reason, permitted development rights will be removed relating to engineering operations and the provision of hardstanding in the vicinity of soakaways.

Conclusion

31. The appeal site is in a sustainable location adjacent to public transport links and close to the facilities of Bolton-le-Sands. It has a long standing allocation for housing and is identified in the latest SHLAA as suitable for residential development. The sloping fields do appear to suffer from poor drainage. Nevertheless, the appellant has demonstrated to the satisfaction of the expert authorities that a sustainable drainage system would adequately drain surface water from the site and the development, without increasing the risk of flooding to nearby properties. I have no convincing evidence to demonstrate that the system would not continue to operate effectively in the long term under private management.
32. The proposal would represent a piecemeal development of the overall housing allocation. Although the comprehensive development of the entire site might have advantages, it has not been demonstrated that there would be any significant disbenefits of a phased approach which would significantly and demonstrably outweigh the substantial benefits of the scheme. The Council's lack of a five year supply of housing land carries significant weight in favour of the proposal. The development would accord with the Framework's presumption in favour of sustainable development and the need to boost significantly the supply of housing.
33. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is allowed subject to the conditions imposed.

Anthony Lyman

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

John Hunter	Of Counsel
He called Councillor Keith Budden	Chairman of Lancaster City Council's Planning and Highways Regulatory Committee
Jennifer Rehman ² Andrew Dobson ³	Major Applications Planning Officer, Lancaster CC Chief Officer of Regeneration & Planning Services Lancaster CC

FOR THE APPELLANT:

Ian Ponter	Of Counsel
He called Alastair Skelton BSc (Hons), DipTP, MRTPI	Partner - Steven Abbott Associates LLP
David Wallbank BEng (Hons) Chartered Engineer, MICE	Director - PSA Design Ltd
Chris Middlebrook ⁴	Oakmere Homes Limited

INTERESTED PERSONS:

John Boardman	Local resident
Dorothy Carruthers	Local resident
Ben Eagle	Local resident
Graham Marsh	Local resident

DOCUMENTS

- 1 Appellant's Opening Submissions
- 2 Opening on behalf of the Local Planning Authority
- 3 Copy of Draft Decision Notice re 10/00830/OUT
- 4 Planning Obligations in Lancashire Methodology
- 5 Agreed list of Conditions
- 6 Revised Section 106 Unilateral Undertaking dated 15 January 2013
- 7 Closing remarks on behalf of the Local Planning Authority
- 8 Appellant's Closing Submissions

² The officer did not give formal evidence in support of the Council's case, but contributed to the discussions on conditions and the planning obligation.

³ The officer did not give formal evidence in support of the Council's case, but contributed to the discussion on conditions.

⁴ Mr Middlebrook did not give formal evidence in support of the appeal, but contributed to the discussion on the planning obligation.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans detailed below:

Drawing No. 1667-012 H Proposed Site Plan
Drawing No. 1667-013 H Streetscene Elevations
Drawing No. 1667-100 D Proposed House Type A
Drawing No. 1667-101 E Proposed House Type B
Drawing No. 1667-102 G Proposed House Type C
Drawing No. 1667-104 D Proposed House Type E
Drawing No. 1667-106 F Proposed House Type G
Drawing No. 1667-107 F Proposed House Type J
Drawing No. 1667-108 C Proposed House Type K
Drawing No. 1667-111 G Proposed House Type N
Drawing No. 1667-109 H Proposed House Type L
Drawing No. 1667-112 C Proposed House Type O (Plot 5 Only)
Drawing No. c-1047-01 A Arboricultural Constraints Plan and Protective Fencing

3. No site clearance or construction of the development hereby approved shall occur until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- hours of construction work and associated deliveries
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- measures to control construction noise
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- construction vehicle route plans to and from the site, including hours of movement
- details of any proposed temporary closing of any roads or streets

4. In the event that any unforeseen soil contamination is found during the course of development, it shall be quarantined and reported immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken by a competent person in accordance with a scheme submitted to and agreed in writing by the Local Planning Authority prior to commencing development. Where remediation is necessary, a Remediation Scheme, including an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be completed in accordance with the approved details and timetable.

Following completion of the Remediation Scheme as approved, a verification/validation report and certificate shall be submitted to and agreed in writing by the Local Planning Authority.

5. The dwellings hereby approved shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

6. No part of the development hereby approved shall commence until a scheme for the construction and provision of the site vehicular access and pedestrian access points to the existing highway, including an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority. The construction of the vehicular and pedestrian access points to the existing highway shall be undertaken in accordance with the agreed details and timetable and shall thereafter be retained at all times.

7. No part of the development shall be occupied or brought into use until visibility splays measuring 2.4 metres by 120 metres have been provided on each side of the junction of the site access and Coastal Road. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall at any time exceed 1 metre in height above the centre line of the adjacent carriageway.

8. No development shall commence until detailed plans, including constructional and surfacing details of the roads within the site, together with an implementation programme have been submitted to, and approved in writing by the local planning authority. The internal roads shall be constructed in accordance with the approved details and timetable.

9. No part of the development hereby approved shall commence until a scheme of highway improvement works (namely the pedestrian refuge/crossing facility and upgrades to two existing bus stop facilities), together with an implementation timetable has been submitted to, and approved in writing by the local planning authority. The agreed highway improvements shall be completed in accordance with the agreed details and timetable.

10. Notwithstanding the details submitted, no part of the development hereby approved shall commence until details of the cycle link between the national cycle Route 6 (Canal Towpath) and Coastal Road, including constructional details of the stepped link onto the canal towpath, appropriate signage of the cycle connection, a maintenance and management plan and an implementation timetable, has been submitted to and agreed in writing by the local planning authority. The approved cycle connection shall be provided and maintained in accordance with the agreed details and timetable and retained at all times thereafter.

11. No dwelling shall be occupied until the parking provision associated with that dwelling as indicated on the approved plans has been provided and made available for use. The car parking areas shall thereafter be kept available for the parking of cars at all times.

12. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the integral garages shall be retained solely for the housing of private motor vehicles or storage associated with the main dwelling. In

particular the garages shall not be used for any other domestic, trade or business purposes. The detached garages hereby permitted shall be used for purposes incidental to the enjoyment of the dwellinghouse only, and no trade or business shall be carried out there from.

13. No development shall commence until a scheme for habitat creation and enhancement, including hedgerow management and translocation, and including an implementation timetable, has been submitted to and agreed in writing by the local planning authority. The scheme shall incorporate the mitigation proposals outlined in the Ecological Survey and Impact Assessment (Envirotech GEN/10/153 Rev 2) and the letter from Envirotech dated 14 May 2013.

The approved scheme shall be implemented in accordance with the agreed details and timetable.

14. The development shall be carried out in accordance with the submitted Tree Constraints Plan and Tree Protection Plan, drawing no. c-1047-01 Rev A (August 2013) and Tree Survey Report (August 2013). In particular, no tree within the site shall be cut down, uprooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out, other than those identified within the approved application. The development shall then be carried out in accordance with such agreed details.

15. Prior to the commencement of any site activity associated with the development, including site preparation, clearance work and demolition, the following details must be submitted to and agreed in writing with the local planning authority:

A schedule of tree works proposed to any on or off site trees in compliance with "BS 3998 (2010) Tree Work".

An Arboricultural Method Statement (AMS), in compliance with 'BS 5837(2012) Trees in relation to design, demolition and construction', shall be submitted to and agreed in writing by the local planning authority. The AMS must include the identification of materials and method of installation of all new surfaces and underground utility services, and all ground disturbance works proposed within root protection areas or within 1m of protective barrier fencing and a timetable for implementation. Details of on site arboriculture supervision must be included. The AMS shall include generic details in respect of protection of all on and off site trees relating to site access and layout, vehicle parking and storage of materials and machinery. The development shall then be carried out in accordance with agreed details and timetable.

16. No development shall commence until details of the hard and soft landscaping of the site and details of the 300mm bund indicated on the approved plans, together with an implementation timetable have been submitted to, and approved in writing by, the local planning authority. All hard and soft landscaping works shall be carried out in accordance with the approved details and timetable. The approved scheme shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or a different species as shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

17. No works shall commence until details of external lighting associated with the development (both during the construction and operational phases), including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The lighting shall be designed to minimise light spill, to avoid illumination of bat roosting opportunities in the site, trees and hedgerows in the area, and will ensure that the canal corridor is not subjected to excessive light levels. The development shall be carried out in accordance with the agreed details and timetable. The external lighting associated with the operational phases of the development (after construction) shall be used and retained as agreed at all times thereafter.

18. No development shall commence until a detailed scheme, including an implementation timetable, for the provision and maintenance/management of public open space and associated play facilities and amenity space (excluding domestic gardens) within the development site, has been submitted to and agreed in writing with the local planning authority. The scheme shall be implemented in accordance with the approved details and timetable, and shall be managed and maintained for such purposes thereafter in accordance with the agreed scheme.

19. Prior to the construction of any part of the dwellings above ground level in association with the development hereby approved, details and samples of all external facing materials to the dwellings, including stonework detailing, shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the agreed details.

20. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected around the site and individual plots and a timetable for their implementation. The boundary treatments shall be completed in accordance with the approved details and timetable.

21. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development under Class A, B, D & E of Part 1 of Schedule 2 to that Order shall be carried out.

22. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fences, walls, or other means of enclosure shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road. In the case of plots 17 to 28 in addition, no fences, walls, or other means of enclosure shall be erected along the boundary with Coastal Road without the written consent of the local planning authority.

23. Notwithstanding the submitted plans, obscure glazing shall be fitted to the first floor side facing bedroom windows to all dwellings which are identified as House type O and House type L (with the exception of Plot 36 as marked out on the approved site plan). These dwellings shall not be occupied until the obscure glazing has been fitted, which shall be retained at all times thereafter.

24. The development shall be drained on separate foul and surface water systems, with only foul drainage connected into the existing foul/combined sewer.

25. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme, following the principles set out in the approved PSA Drainage Strategy and Plan received by the Council on the 4 July 2013, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

26. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no hardstanding or engineering operations shall take place within the plots identified to accommodate individual soakaways in accordance with PSA Design Drawing No. D1570-D-07 Rev A or any subsequent amended plan pursuant to condition 25.