



Appeal Decision

Site visit made on 13 November 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/C1570/W/19/3234739

Land to the south of Braintree Road, Felsted

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Oliver Hookway on behalf of Go Braintree Road Ltd against Uttlesford District Council.
 - The application Ref UTT/18/3529/OP, is dated 23 December 2018.
 - The development proposed is residential development of up to 30 dwellings with associated roads and infrastructure with access to be determined at this stage with all other matters (relating to appearance, landscaping, layout and scale) reserved.
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Decision

1. The appeal is allowed and planning permission is granted for the development of up to 30 dwellings with associated roads and infrastructure with access to be determined at this stage with all other matters (relating to appearance, landscaping, layout and scale) reserved at Land to the south of Braintree Road, Felsted, in accordance with the terms of the application, Ref: UTT/18/3529/OP, dated 23 December 2018, subject to the conditions set out at the end of this decision.

Application for costs

2. An application for costs was made by Mr Oliver Hookway on behalf of Go Braintree Road Ltd against Uttlesford District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Whilst not formally part of the scheme, I have treated the details relating to the matters reserved for future approval submitted with the appeal application as a guide to how the site might be developed. The Council has indicated that it would have refused planning permission if it had been in a position to do so. Its main concern related to the effect of the proposal upon the character and appearance of the area.
4. I am satisfied from the evidence before me that the emerging Uttlesford Local Plan (the EULP) is at a stage that attracts limited weight. This is because there is no certainty that its policies shall ultimately be adopted in their current form. I shall consider the appeal on this basis.
5. The emerging Felsted Neighbourhood Plan 2018-2033 (the EFNP) is at an advanced stage. The submission version of the EFNP has been independently

examined and the examiner's report, dated 29 September 2019, confirms that, subject to specified modifications, it meets the requirements that allow it to proceed to a local referendum. This referendum is due to take place on 30 January 2020. Nevertheless, the EFNP, which does not yet form a part of the development plan, is at a stage that attracts moderate weight in my consideration of this appeal.

6. The Felsted Neighbourhood Plan Steering Group has requested that the determination of this appeal be delayed until after the local referendum is held. However, in the interests of an efficient appeals system, it is not considered appropriate to delay the determination of this appeal for this purpose.
7. A legal agreement under Section 106 of the Act (the legal agreement) is before me. This is dated 11 November 2019 and is signed by the site's owners, the Council and by Essex County Council in its role as Highway and Local Education Authority. I shall return to the legal agreement later.

Main Issues

8. The main issues are the effect upon the character and appearance of the rural area and the effect upon the Blackwater Estuary Special Protection Area and Ramsar site (the BESPA).

Reasons

Character and appearance

9. The appeal site is situated outside of the defined settlement limits of Felsted and is thus defined as countryside in local planning policy terms. It is comprised of an irregularly shaped area of predominantly grassed agricultural land and its boundaries, for the most part, are defined by a mixture of hedgerows and trees. To the site's western side, it bounds the rear boundaries of a row of properties that front Jollyboys Lane North. Access is drawn from Braintree Road to the site's northern edge. Neighbouring agricultural land is situated to the east and south and the site is crossed by two public footpaths that link into a wider network of public rights of way.
10. Saved Policy S7 of the Uttlesford Local Plan (January 2005) (the Local Plan) sets out that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy is clear that there will be strict control on new building and that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set.
11. The appeal site itself is inherently rural in its character and appearance, being formed of a grassed field that is situated alongside other neighbouring agricultural land. It reads as a part of the countryside around Felsted. Nevertheless, it is also relevant to note the site's immediate proximity to the settlement. When viewed from various public vantage points outside of the site, most particularly from public rights of way in the site's vicinity, the proposal would be experienced against a backdrop heavily influenced by existing built development.
12. The site is visually contained, not least due to its outer boundaries being typically well-planted. Full details of intended landscaping would become

apparent at reserved matters stage. However, the indicative site plan before me clearly demonstrates that the proposal could be brought forward whilst retaining and potentially enhancing existing planting to the northern and eastern boundaries of the site. This is important to note given that these planted buffers would play an important role in tempering the visual effects of any future development of the appeal site. Indeed, the proposal would not be expected to provide a harder eastern edge to the village when compared to that currently in place.

13. I am aware of a previous appeal¹ at the site, which was dismissed in July 2017 and related to the proposed development of up to 55 dwellings. The Inspector in that case found that the likely layout and urban form of a development of that quantum with a single access point off Braintree Road would be at odds with the prevailing pattern of development in Felsted.
14. With respect to the proposal before me, it is still the case that a single point of access is proposed. However, a significantly reduced number of dwellings is planned. Thus, as illustrated upon the indicative site plan submitted, a low-density form of development is proposed that would incorporate notable areas of open space and would be respectful of the site's edge-of-village setting. Whilst full details of the scheme's layout would only become apparent at reserved matters stage, I am satisfied that the development of up to 30 dwellings in this location could integrate appropriately with the existing edge of Felsted so as to appear as a logical and well-planned extension to the village.
15. That said, the proposal would cause some harm to the character and appearance of the rural area by virtue of the loss of an agricultural field of inherent rural appearance. The proposal conflicts with saved Policy S7 of the Local Plan and with emerging Policies FEL/HN5, FEL/ICH1 and FEL/CW1 of the EFNP in so far as these policies state that the countryside will be protected for its own sake, that there will be strict control on new building in the countryside and that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set.

The BESPA

16. The appeal site lies within the Zone of Influence (ZoI) of the BESPA, which itself makes up a component of the Essex Estuaries Special Area of Conservation. I must therefore consider the appeal against The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment (AA) of the implications of the project in view of the relevant site's conservation objectives.
17. New housing development within the ZoI would be likely to increase the number of recreational visitors to the BESPA, potentially resulting in disturbance to the integrity of the habitat's qualifying features. Taking a precautionary approach, I consider that the proposal would, in combination with other projects, be likely to have a significant effect on the BESPA. As a result, it is necessary for me to carry out an AA.

¹ APP/C1570/W/16/3156864

18. The qualifying features for the BESPAs designation relate to the overall water bird assemblage and its conservation objectives include maintaining the structure and function of habitats. The impact on the BESPAs as part of the overall protected coastline is considered within the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (the RAMS).
19. The Council has confirmed that the RAMS is currently at draft stage and, once adopted, shall have the status of a Supplementary Planning Document. Given that it is endorsed by Natural England (NE) and there is no evidence before me to indicate that either the Council would not adopt the strategy or that it is to change substantially, I attach significant weight to it. The RAMS sets out detailed mitigation measures, such as through access management and education and communication, in the interests of reducing recreational pressures. These are to be funded by developer contributions at a specified tariff per dwelling.
20. Contained within the RAMS is revised interim advice from NE, dated 16 August 2018, which seeks to ensure that all residential proposals coming forward ahead of the RAMS being adopted are compliant with the Habitats Regulations. The interim advice, when applied to the proposal before me, indicates that, subject to a proportionate financial contribution being secured, it would not adversely affect the integrity of a designated European site (the BESPAs in this case) when considered in combination with other development. Indeed, with specific respect to this appeal, NE has confirmed that the scheme should be considered against the RAMS and has advised that a financial contribution should be secured through an appropriate and legally binding agreement.
21. The legal agreement ensures that a financial contribution would be paid prior to the implementation of development and states that, if the RAMS has been adopted at the date of implementation, the owners would pay the RAMS contribution rather than the Natura 2000 Contribution figure, which is the tariff specified in the current draft version of the RAMS. This is an appropriate approach given that it is uncertain when the RAMS shall be adopted in its final form.
22. The definitions stated in the legal agreement are clear that any contribution is to be spent on visitor management measures. The Council are signatories to the legal agreement. Whilst no specific covenant is placed on the Council to spend the BESPAs contribution within a particular time period, I am sufficiently content that the contribution would be spent expediently should planning permission be granted given the range of mitigation initiatives that are either underway or planned for. I conclude that the proposed development would not adversely affect the integrity of the BESPAs.

Other Matters

23. The appeal site sits adjacent to the eastern edge of the Felsted Conservation Area (the CA), the significance of which as a designated heritage asset is drawn in-part from its range of historic buildings and visually prominent area of open space attached to the village's main school. Particularly given the contained nature of the appeal site, the proposal would respect the CA's setting and would not result in a loss of heritage significance. This is consistent with the previous Inspector's findings in July 2017. I am also satisfied that the proposal would not have an adverse impact on the significance of nearby listed

buildings, including Buckcroft, as a result of the proposal being development within their settings.

24. It is apparent that Felsted contains a range of facilities and services, which include schools, a convenience store/post office, a surgery, playing fields and public houses. The appeal site is closely located to several of these facilities and is also served by bus stops offering services to larger destinations in the locality such as Braintree and Colchester. Notwithstanding that other sites in Felsted have been granted planning permission for housing development in recent times, the village's range of existing facilities and services are commensurate with the scale of development under consideration here.

Planning Balance

25. The Council has confirmed that a 2.68 year housing land supply currently exists in the District, which represents a significant shortfall. The National Planning Policy Framework (February 2019) (the Framework) is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission 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.
26. Whilst paragraph 14 of the Framework identifies different considerations where a neighbourhood plan is present, its provisions would not apply in this case because the EFNP has not yet been made. Even if it had been made, paragraph 14 indicates that the supply of deliverable housing sites should be at least three years against the five-year requirement. As indicated above, the supply in this district is at only 2.68 years and therefore the provisions of paragraph 14 would not have been applicable in this case.
27. I have identified conflict with saved Policy S7 of the Local Plan. However, this policy is not consistent with the Framework in terms of its approach to countryside protection. This is because the Framework does not imply that protection from development be given to the countryside in its totality, rather that recognition be given to the intrinsic character and beauty of the countryside. In this respect there would be a degree of harm for the reasons that I have given. Nevertheless, I apportion only limited weight to the conflict I have identified with saved Policy S7.
28. The proposal would result in the loss of best and most versatile agricultural land and is thus contrary to Policy ENV5 of the Local Plan. However, it is my understanding that the majority of the District's agricultural land and most of the sites currently being considered by the Council as potential development allocations fall within this classification. In such circumstances I give limited weight to the conflict with this policy.
29. Turning to the scheme's benefits, it would deliver 30 additional residential units in a District where there is currently a significant shortfall in housing land supply. The delivery of 30 homes would make an important contribution towards the overall housing land supply position in the District. In addition, there would be a policy compliant level of affordable housing, which would help meet a considerable need within the District. I thus apportion these benefits of the scheme substantial weight. The scheme would also generate expenditure

in the local economy and support for local community facilities in the area once occupied, these are benefits that attract moderate weight given the non-strategic scale of development under consideration.

30. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the adverse impact that I have identified to the character and appearance of the area and the policy conflicts would not significantly and demonstrably outweigh the proposal's substantial benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, applies. Notwithstanding the conflict with saved Policies S7 and ENV5, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case.

The Legal Agreement

31. Other than securing the mitigation strategy for the BESPAs, the legal agreement also contains a number of other provisions. It secures the on-site provision of 40% affordable housing in compliance with the requirements of Policy H9 of the Local Plan. A mix of affordable rented and shared ownership properties is proposed in broad compliance with the schedule requested by the Council's Housing Enabling Officer.
32. A sustainable drainage scheme and associated maintenance schedule is secured through the legal agreement, which would provide assurances with respect to the scheme's long-term and ongoing maintenance consistent with drainage-based planning conditions suggested by the Lead Local Flood Authority.
33. The legal agreement also secures the laying out, completion and subsequent management of public open space on-site. As the proposal is in outline form and the intended layout is merely indicative at this stage, the precise extent of open space is not yet specified. Nevertheless, the relevant clause provides assurances that areas of landscaped and publicly accessible land are to come forward as part of any future detailed scheme.
34. A highway contribution would be put towards safety enhancement and cycle parking improvements in the village in accordance with the requirements of the Highway Authority. Whilst the Transport Assessment sets out specific improvements in the site's vicinity, the legal agreement incorporates flexibility as to where precisely the contribution would be spent. Importantly, in accordance with the terms of the legal agreement, this must be within Felsted village. The provision of Residential Travel Information Packs for future occupiers is also secured through the legal agreement in the interests of promoting sustainable forms of transportation in accordance with a request made by the Highway Authority. For the avoidance of doubt, notwithstanding the safety enhancements intended, I am satisfied that the development would not have a significant impact upon the transport network in terms of capacity and congestion.
35. An education contribution incorporates sums to be put towards primary education and early years and childcare. These would secure additional educational facilities within the Felsted and Stebbing Ward. The required contributions have been calculated by the Local Education Authority based on their standard formulae.

36. I am satisfied that the various contributions secured through the legal agreement are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind. I am satisfied too that the monitoring fee is proportionate and reflects the actual cost of monitoring. I am also content, from the evidence before me, that the legal agreement is fit for purpose.

Conditions

37. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and omitted others. Pre-commencement conditions have only been applied where agreed to by the appellant in writing and where necessary to guide initial works on site.
38. In the interests of promoting ecological and biodiversity enhancement, planning conditions are reasonable and necessary to ensure that the measures set out in the submitted Ecological Appraisal (and Addendum) are indeed carried out and that a Biodiversity Enhancement Strategy for Protected and Priority Species is submitted and implemented. I am satisfied that adequate safeguards would be put in place to protect wildlife at the site.
39. In the interests of guarding against pollution and any potential adverse effects on human health, a planning condition is reasonable and necessary to secure a Phase II site investigation and subsequent remediation measures (if found to be necessary). Indeed, this is a recommendation of the Phase I appraisal already carried out.
40. Archaeological investigation involving trial trenching has already been undertaken. The archaeological remains that were found were, for the most part, of low significance and merely of local interest. A Senior Historic Environment Advisor has provided specialist archaeological advice to the Council stating that limited further archaeological investigation will be required should planning permission be granted, which should comprise open area excavation around trenches 1 and 9 where deposits of note were identified. I consider this to be a reasonable and proportionate approach.
41. In the interests of highway and pedestrian safety, a condition is reasonable and necessary to ensure that the access from Braintree Road is constructed to meet relevant standards set out by the Highway Authority. For the same reason, a condition securing the full details and subsequent implementation of off-site highway works (in this case the provision of a footpath to connect the site to the nearest bus stop to the northeast) is also both reasonable and necessary. Such works would, in-part, be undertaken off-site and therefore outside of the full control of the appellant. However, in the absence of any evidence to the contrary, I am satisfied that the land in question falls under the full control of the Highway Authority who are supportive of the intended works being undertaken as part of the intended development scheme. I am thus sufficiently satisfied that a condition to this effect would be both implementable and enforceable.
42. In the interests of protecting the living conditions of neighbouring occupiers and in the interests of highway safety, a planning condition securing the submission and implementation of a construction management plan is both

reasonable and necessary. This would secure various details to be complied with during the construction phase of development, including hours of operation and parking and loading arrangements.

43. I am satisfied that conditions requiring upgrading works to be carried out to the surfaces of existing public rights of way that traverse the site are both reasonable and necessary. Such works would mitigate the impact of the additional pedestrian traffic that would be brought about by the development.
44. A condition requiring full details of a surface water drainage scheme is reasonable and necessary to guard against flooding and to ensure the satisfactory storage and disposal of surface water upon and from the site. The appointment of a management company and details of a maintenance schedule are secured via the legal agreement. Thus, it is not necessary to impose a planning condition requiring a maintenance plan to be submitted. A further condition requiring the submission of a scheme to guard against off-site flooding during construction is reasonable and necessary in the interests of minimising both flood risk and the risks associated with water pollution.
45. A condition requiring that 5% of the dwellings are built to meet wheelchair accessible standards is both reasonable and necessary in the interests of seeking to meet the needs of all. Indeed, the Council has an Accessible Homes and Playspace Supplementary Planning Document (November 2005) that sets out this expected level of provision.
46. It is not necessary to impose planning conditions requiring that parking spaces or electric vehicle charging points be provided. The site is clearly able to accommodate facilities in these respects and the detailed layout to ultimately come forward could be expected to reference parking and charging point locations in any event. These provisions could be assessed against relevant and specific policy requirements at that point in time.

Conclusion

47. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
- 2) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 2 years from the date of this permission.

- 3) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology Ltd, December 2015) and Addendum (Aspect Ecology Ltd, November 2019) as already submitted and agreed in principle with the Local Planning Authority prior to determination.
- 5) Prior to the commencement of development, a Biodiversity Enhancement Strategy for Protected and Priority Species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) a timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) details of the persons responsible for implementing the enhancement measures; and
 - f) details of initial aftercare and long-term maintenance (where relevant).The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- 6) No development approved by this permission shall take place until a Phase II site investigation and report, taking account of the findings of the previously submitted GRM Development Solutions Phase I Site Appraisal (Desk Study) Report dated December 2015 (Ref: GRM/P7123/DS.2), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the Phase II report, a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall be implemented as approved and shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.
- 7) No development or preliminary groundworks of any kind shall take place in the areas around trenches 1 and 9 from the archaeological evaluation (November to December 2015) until a programme of archaeological excavation has been completed in accordance with a written scheme of investigation which shall have first been submitted to and approved in writing by the Local Planning Authority.
- 8) Prior to the first residential occupation of the development hereby permitted an access shall be provided to include a 5.5m carriageway and two 2m wide footways (as shown in principle in drawing 17227-02 Rev E contained within the submitted Transport Assessment dated 29 January 2016). The road junction at the access's centre line shall be provided

with a clear to ground visibility splay with dimensions of 2.4 metres by 101 metres to the north-east and 2.4 metres by 91 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and thereafter shall be retained free of any obstruction at all times.

- 9) Prior to the first residential occupation of the development hereby permitted a footway of a minimum width of 1.5m, as shown in principle on drawing 17227-02 Rev E contained within the submitted Transport Assessment dated 29 January 2016, shall be provided on the southern side of Braintree Road between the site access and the bus stop to the north east of the site in accordance with the details of a scheme to be first submitted to and approved in writing by the Local Planning Authority.
- 10) Prior to the first residential occupation of the development hereby permitted improvements through the provision of a suitable all-weather surface and appropriate waymarking and signage to public footpath 48 (Felsted) from the boundary of the site to the surfaced area of Jollyboys Lane North shall be undertaken in accordance with the details of a scheme to be first submitted to and approved in writing by the Local Planning Authority.
- 11) Prior to the first residential occupation of the development hereby permitted improvements through the provision of a suitable unbound surface and appropriate signage and waymarking of the section of footpath 110 (Felsted) from the boundary of the site to the surfaced area of Jollyboys Lane North shall be undertaken in accordance with the details of a scheme to be first submitted to and approved in writing by the Local Planning Authority.
- 12) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:
 - a) Measures to limit discharge rates to 3.9l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
 - b) The provision of sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
 - c) The inclusion of 'urban creep' in any storage calculations in line with Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: to allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority (page 32);
 - d) Evidence that all storage features can half empty within 24 hours for critical storm event 1:100 plus 40% climate change, in order to meet the LLFA's half drain time requirement;

- e) Final modelling and calculations for all areas of the drainage system;
- f) The appropriate level of treatment for all runoff leaving the site, in line with simple index approach the CIRIA SuDS Manual C753 chapter 26. This should also include sufficient upstream capture of sediment before any surface water is stored or discharged. The use of catchpits and gullies are not accepted as sufficient treatment as they depend heavily on the quality and regularity of their maintenance;
- g) Detailed engineering drawings of each component of the drainage scheme;
- h) A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features; and
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to the first occupation of the development.

- 13) No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved.
- 14) 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 15) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:
 - a) The construction programme and phasing;
 - b) Hours of operation;
 - c) The delivery and storage of materials and any hoardings to be erected;
 - d) Parking and loading arrangements;
 - e) Any highway works necessary to enable construction to take place;
 - f) Management of traffic to reduce congestion and measures to control dirt on the public highway;
 - g) Mechanisms and mitigation measures to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour; and
 - h) Any piling works to be undertaken, including a vibration impact assessment and justification for the chosen piling method.All construction works shall be carried out in accordance with the approved details thereafter.