



Appeal Decision

Site Visit made on 17 May 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/E2001/W/20/3263805

Land East of New Walk, Driffield YO25 5LE

Grid Ref Easting: 503487 Grid Ref Northing: 457806

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Paul Atkin, G P Atkin Homes Limited, against the decision of East Riding of Yorkshire Council.
 - The application Ref:20/01407/STVAR, dated 2 May 2020, was refused by notice dated 3 August 2020.
 - The application sought planning permission for *erection of 110 dwellings with associated works* without complying with a condition attached to planning permission Ref:18/02308/STPLF, dated 14 June 2019.
 - The condition in dispute is No 3 which states that: *Within three months from the date of this permission details of mitigation to Meadow Lane Level Crossing including timescale for implementation shall be submitted for approval by the Local Planning Authority. Mitigation works to Meadow Lane Level Crossing shall thereafter be implemented in accordance with the agreed details prior to the occupation of the forty third dwelling hereby approved and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.*
 - The reason given for the condition is: *This condition is imposed in accordance with Part B and C of policy C1 from the East Riding Local Plan and in the interest of railway safety.*
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Decision

1. The appeal is allowed and planning permission is granted for erection of 110 dwellings with associated works, in accordance with the application Ref: 20/01407/STVAR, dated 2 May 2020, without compliance with condition number 3 previously imposed on planning permission Ref:18/02308/STPLF, dated 14 June 2019 and subject to the conditions set out in the schedule attached.

Preliminary Matters

2. Following the determination of the application and during the course of the appeal, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021 which replaces the 2019 version. The main parties have been given the opportunity to comment on this change and my decision is made in the context of the revised Framework.
3. The appellant's planning statement submitted with the application¹ contends that condition 3 is ultra vires and fails to meet the relevant tests for planning

¹ Application Ref:20/01407/STVAR.

conditions as set out in the Framework and the Planning Practice Guidance (the Guidance). However, the appellant's appeal statement focuses on the failure of condition 3 to meet the three tests for planning obligations as set out in the Framework. The wording of condition 3 requires the submission of details of mitigation to Meadow Lane Level Crossing and its implementation thereafter. It does not expressly require the appellant to enter into a planning obligation. Given the above, I have determined the appeal on the basis of whether condition 3 meets the relevant tests as set out in paragraph 56 of the Framework. As both main parties and interested parties have commented on this in their respective evidence, I am satisfied that no parties' interests have been prejudiced by this approach.

4. In the submitted evidence the appellant refers to 'Circular 11/95: the use of conditions in planning permissions.' However, with the exception of Appendix A (model conditions) which is retained, this publication has been cancelled and replaced by the Guidance- 'Use of planning conditions', dated 6 March 2014. My decision is therefore made in the context of the Guidance.

Background and Main Issue

5. Planning permission for the erection of 110 dwellings with associated works was granted, subject to conditions, on 14 June 2019². The appellant seeks to remove condition 3 of this permission. The condition was imposed by the Council following an objection by Network Rail regarding Meadow Lane Level Crossing and the impacts on railway safety arising from the development.
6. The appellant highlights that the increased use of Meadow Lane Level Crossing and need for mitigation predates the grant of permission for the appeal development; that the Council or Network Rail have not demonstrated that the increased use of Meadow Lane Level Crossing is due to the appeal development; and that Meadow Lane Level Crossing is some distance away from the appeal development and is not within the appellant's ownership or control. As such, the appellant declares that condition 3 is ultra vires and fails to meet the tests for planning conditions as set out in the Framework and the Guidance.
7. Conversely, the Council and Network Rail contend that the increased use of Meadow Lane Level Crossing and the need for mitigation is directly related to the appeal development and cumulatively with earlier phases and future phases within the allocated housing site; that the census data submitted confirms the uplift and its association with the adjacent housing development; and that Meadow Lane Level Crossing is in close proximity to the appeal site and that there is a realistic prospect of the mitigation works being carried out. In these regards it is asserted that, in the interest of railway safety, condition 3 is necessary and meets the tests.
8. In the context of the above, the main issue is whether condition 3 meets the tests for planning conditions as set out in the Framework and the Guidance, having regard to railway safety.

Reasons

9. The appeal site comprises part of a Local Plan housing land allocation, 'DRF-E – Land North of Meadow Gates' (DRF-E), East Riding Local Plan

² Application Ref:18/02308/STPLF.

Allocations Document 2016. As a whole, DRF-E has an indicative capacity of 313 dwellings. The appeal development for 110 dwellings represents phase three and has already commenced. Along with the first two phases, the appeal development provides a total of 186 dwellings, with future phases still to come forward. Other earlier housing developments are also located within the wider area.

10. The appeal site is connected on its southern boundary by a pedestrian access to a Public Right of Way, known as Driffield Footpath No 7, which links to Meadow Lane Level Crossing, Meadow Road (more commonly referred to as Meadow Lane) and beyond. This provides an easy walking or cycling route to Driffield town centre approximately 1-2km away. The route is also stated by the appellant to link to a number of permissive field and woodland footpaths which have been created in the area.
11. Meadow Lane Level Crossing is a short walking distance from the appeal development. It is a user worked crossing which is owned and managed by Network Rail. There are pedestrian gates at either side connecting the footway across the tracks and larger gates allowing access for vehicles.
12. The Framework and the Guidance are clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Each of the six tests are required to be met for each condition imposed³.
13. It is acknowledged by both parties that the usage of the route across Meadow Lane Level Crossing by pedestrians has increased in recent years. This is corroborated by census data submitted by Network Rail, which also highlights that a high percentage of users fall within the vulnerable and encumbered categories. In turn, this has led to an increase in the individual and collective risk at Meadow Lane Level Crossing. Using the industry accepted risk modelling support tool 'All Level Crossing Risk Model' (ALCRM) and data from censuses taken in June 2020 and February 2021, Network Rail submit that the ALCRM score for Meadow Lane Level Crossing has increased to C3⁴. This means that Meadow Lane Level Crossing has a high individual and collective risk.
14. However, the initial census data provided which verifies the increase in usage relates to the period prior to the grant of planning permission for the appeal development, namely 2013 and 2018. In this respect, any increase in usage at that time can only be ascribed to previous housing developments nearby or from phases one and two of the DRF-E site, not to the appeal development.
15. The most recent censuses taken in June 2020 and February 2021 postdate the appeal development and confirm a continued increase in the use of Meadow Lane Level Crossing, 44% of which is stated to be via the housing estate⁵. Nevertheless, at the time of the censuses only 26⁶ and 53⁷ dwellings of the appeal development were occupied.

³ Paragraph 56 of the Framework and Paragraph: 003 Reference ID: 21a-003-20190723 of the Guidance.

⁴ ALCRM provides a calculation of both the individual and collective risks at a level crossing. Individual risk: applies only to crossing users and is presented as a simplified risk ranking A to M (A = highest to M = lowest). Collective risk: is the total risk for the crossing which includes risk to all users (1 = highest to 13 = lowest).

⁵ Census between 6 and 14 February 2021 by The Surveillance Group Ltd.

⁶ June 2020.

⁷ February 2021.

16. Taking the above into account, I am not persuaded that the censuses unequivocally prove or robustly demonstrate that the identified uplift is directly related and principally due to residents from the appeal development itself and not due to residents from other phases of the DRF-E housing allocation development or from the surrounding area.
17. The appeal development is the largest phase of the DRF-E site to date. Given its close proximity to Meadow Lane Level Crossing and the key nature of the route to Drifffield town centre, it is reasonable to expect that it would generate some increase in the crossing's use. I am also aware of the future phases of development yet to come forward which have the potential to lead to more people using the route and Meadow Lane Level Crossing.
18. Nonetheless, I am mindful that the issue of the increased use of Meadow Lane Level Crossing due to adjacent housing development was raised by Network Rail with the Council as early as 2008. From the evidence before me, no requirement or provision was made for improvements to Meadow Lane Level Crossing as part of Policy DRF-E and no conditions to implement any mitigation have been imposed on any other planning permission adjacent to or within the DRF-E allocation. Notwithstanding that future phases may be the same developer as the appeal site, it is unreasonable to impose a condition on this planning permission which means that the appellant is unable to fully implement the approved scheme without undertaking mitigation over and above that relating solely to the effects of the appeal development.
19. Meadow Lane Level Crossing is owned and managed by Network Rail. The Guidance states that 'conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability.'⁸ I note Network Rail's willingness to agree and secure the mitigation and, in this regard, there would be a realistic prospect of it being carried out. However, the detail and implementation of any mitigation would be wholly outside the control of the appellant, resulting in condition 3 being unduly restrictive. Given what would be the constraints of carrying out works to a live railway line, it is highly likely that this may cause an unreasonable delay to the implementation of the housing development and could not be enforced.
20. Furthermore, even though the Council state that condition 3 does not require the appellant to make a payment to Network Rail, the representation made by Network Rail confirms that the implementation of any mitigation would be subject to a financial contribution from the appellant. This is stated to be between 25-30k, although no detail of how this figure has been estimated has been provided.
21. I have given consideration as to whether the mitigation could be enforced by means of a Grampian style condition. However, for similar reasons to those given above, this would also be unreasonable.
22. The wording of condition 3 is precise in terms of the timescales required for the submission of the details of mitigation and its implementation thereafter. However, it is not sufficiently precise for the appellant to be able to ascertain what must be done to comply with it, in terms of the form and extent of any mitigation that would be required. Network Rail have made reference to

⁸ Paragraph: 009 Reference ID: 21a-009-20140306 of the Guidance.

mitigation in correspondence which was detailed in the Council's officer report. This included the relocation of the footpath aspect of the crossing to straighten the traverse; the provision of a new fully non-slip deck with a clear sighting demarcation lines; the provision of trespass guards; and the provision of appropriate fencing, gates and signage. However, none of these elements are included within the condition. On this basis, condition 3 is not precise.

23. Drawing all of the above together, it is reasonable for the Council and interested parties to require mitigation in relation to any harmful effects that a development may have on the wider community and environment. This approach is supported by Policy C1 of the East Riding Local Plan 2012-2029, adopted 2016 and, pertinent to this appeal, by paragraph 110 of the Framework. In addition, the submitted evidence confirms an increased use of Meadow Lane Level Crossing and an associated increased individual and collective risk in terms of railway safety, which is indicative that some mitigation may be appropriate.
24. Nevertheless, there is insufficient evidence to prove that condition 3 is necessary to mitigate the effects of the appeal development itself. For all of the reasons outlined above, I find that condition 3 is unreasonable, unenforceable and imprecise. Accordingly, I conclude that condition 3 fails to meet the tests for planning conditions as set out in the Framework and the Guidance, having regard to railway safety.

Other Matters

25. I have had regard to the objections and comments made by Highway Control, Public Rights of Way and Countryside Access and Driffield Town Council. Whilst mitigation to Meadow Lane Level Crossing may be appropriate in the interest of railway safety, for the reasons outlined above, condition 3 does not meet all of the tests.
26. I am aware of the representations made by a local resident. However, these are in relation to the effects of the construction of the housing development on the living conditions of occupiers of nearby houses and not to the removal of condition 3. As such, they are not pertinent to this appeal.
27. I am mindful that in allowing the appeal the effect will be to create a new planning permission. The appellant will then have the choice of which of the planning permissions to implement. I note that the original permission was subject to an Agreement under section 106 of the Town and Country Planning Act 1990 (the Act), dated 14 June 2019 and a Supplemental Agreement under section 106A of the Act, dated 20 February 2020. In order to secure the planning obligations which were attached to the original permission, generally, a new planning obligation must be submitted to cover any new permission, or the original planning obligation must be varied to make it also apply to the new planning permission.
28. However, I note that the Agreement dated 14 June 2019 states at section 6, 'In the event that an application is made pursuant to section 73 of the Act for an amendment to the Planning Permission and planning permission is granted in respect of the application (and the Council is satisfied that no revised planning obligations are required as a result of such an amendment) references to the Planning Permission in this Agreement shall be to the new permission without the need for a further agreement to be entered into pursuant to section

106 of the Act.’ In addition, the Supplemental Agreement dated 20 February 2020 states at section 4.3, ‘In all other respects the Original Agreement (as varied by this Deed) shall remain in full force and effect.’ Also, the Council has not highlighted that a new or varied planning obligation would be needed if the appeal were to be allowed. For these reasons, a new or varied planning obligation is not required.

Conditions

29. The Council has submitted a list of suggested conditions were I minded to allow the appeal, upon which the appellant has had the opportunity to comment. I have considered these in light of the advice set out in both the Framework and the Guidance.
30. For the reasons set out above, I have not included condition 2 as suggested by the Council. Having regard to paragraph 10 in the Guidance⁹ and for reasons similar to those set out above, I have also not included a condition requested by the Council in its statement requiring mitigation works to Meadow Lane Level Crossing to be secured through a section 106 Legal Agreement.
31. The Guidance advises that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect¹⁰. In this respect, I have had regard to the conditions as stated in the original decision notice, the conditions suggested by the Council for this appeal and the amendments suggested by the appellant. As the development has already commenced, I have made minor amendments to the wording of conditions 9, 10, 17 and 18 of the Council’s suggested conditions, which are conditions 8, 9, 16 and 17 of this permission.

Conclusion

32. For the reasons given above, I conclude that the appeal should be allowed. A new planning permission is granted subject to the schedule of conditions listed.

F Cullen

INSPECTOR

⁹ Paragraph: 010 Reference ID: 21a-010-20190723 of the Guidance.

¹⁰ Paragraph: 040 Reference ID: 21a-040-20190723 of the Guidance.

Schedule of Conditions

- 1) The Development hereby permitted shall be carried out in accordance with the following approved plans:
 - 018/032/1 Garage (Twin) - Floor, Elevations and Section Plan 16.07.2018
 - 018/033/1 Garage (Single and Double) - Floor, Elevations and Section Plan 16.07.2018
 - 06-15291-02 1 OF 3 REVO Topographical Survey (Sheet 1 of 3) 16.07.2018
 - 06-15291-02 2 OF 3 REVO Topographical Survey (Sheet 2 of 3) 16.07.2018
 - 06-15291-02 3 OF 3 REVO Topographical Survey (Sheet 3 of 3) 16.07.2018
 - 2.3.4/SD/4/SDS Shared Access Road Miscellaneous Details 16.07.2018
 - 0301 P2 Section 38 Agreement Plan 16.07.2018
 - 1000 P3 Proposed Drainage Layout 16.07.2018
 - 1000 P3 Proposed Drainage Layout - Finished Floor Levels 16.07.2018
 - FDC/NWD/01 Proposed Road Lighting Layout Plan 16.07.2018
 - 018/051/1 Proposed Typical Street Scenes 06.08.2018
 - 018/034/1 House Type 1457 - Floor, Elevations and Section Plan 07.08.2018
 - 018/035/1 House Type 1765 - Floor, Elevations and Section Plan 07.08.2018
 - 018/035/1H House Type 1765 (Handed) - Floor, Elevations and Section Plan 07.08.2018
 - 018/038/1 House Type 705 and 565 - Floor, Elevations and Section Plan 07.08.2018
 - 018/039/1 House Type 741 (Semi) - Floor, Elevations and Section Plan 07.08.2018
 - 018/040/1 House Type 856 (Semi) - Floor, Elevations and Section Plan 07.08.2018
 - 018/041/1 House Type 919 and 857 - Floor, Elevations and Section Plan 07.08.2018
 - 018/041/1H House Type 919 and 857 (Handed) - Floor, Elevations and Section Plan 07.08.2018
 - 018/043/1 House Type 1016 - Floor, Elevations and Section Plan 07.08.2018
 - 018/043/1H House Type 1016 (Handed) - Floor, Elevations and Section Plan 07.08.2018
 - 018/044/1 House Type 1248 - Floor, Elevations and Section Plan 07.08.2018
 - 018/045/1 House Type 1250 - Floor, Elevations and Section Plan 07.08.2018
 - 018/046/1 House Type 1450 - Floor, Elevations and Section Plan 07.08.2018
 - 018/046/1H House Type 1450 (Handed) - Floor, Elevations and Section Plan 07.08.2018
 - 018/047/1 House Type 1520 - Floor, Elevations and Section Plan 07.08.2018
 - 018/048/1 House Type 1556 - Floor, Elevations and Section Plan 07.08.2018
 - 018/048/1H House Type 1556 (Handed) - Floor, Elevations and Section Plan 07.08.2018
 - 018/049/1 House Type 1596 - Floor, Elevations and Section Plan 07.08.2018

-018/049/1H House Type 1596 (Handed) - Floor, Elevations and Section Plan 07.08.2018
-018/050/1 House Type 1880 - Floor, Elevations and Section Plan 07.08.2018
-018/050/1 House Type 1880 (Handed) - Floor, Elevations and Section Plan 07.08.2018
-018/051/1/A Typical Sections 07.08.2018
-018/059/FD Screen/Fence Details 07.08.2018
-018/065/1 House Type 673 (Semi) - Floor, Elevations and Section Plan 07.08.2018
-018/073/1/A Garage (Triple) - Floor, Elevations and Section Plan 16.07.2018
-018/1037 House Type 1073 - Floor, Elevations and Section Plan 07.08.2018
-0201 Revision P1 Site Layout Drainage Plan 09.10.2018
-0301 Revision P1 Section 38 Agreement Plan 09.10.2018
-0303 Revision P1 Road Levels and Vertical Alignment Plan 09.10.2018
-0320 Revision P1 Section 38 Agreement Plan 09.10.2018
-0321 Revision P1 Horizontal General Arrangement Plan 09.10.2018
-0322 Revision P1 Road Levels and Vertical Alignment Plan 09.10.2018
-0323 Revision P1 Surfacing and Kerbing Plan 09.10.2018
-0324 Revision P1 Highway Contours and Gullies 09.10.2018
-0330 Revision P1 Highway Details 09.10.2018
-0340 Revision P3 Section 38 Agreement Plan 09.10.2018
-0341 Revision P2 Section 38 Horizontal General Arrangement Plan 09.10.2018
-0342 Revision P3 Section 38 Road Levels and Vertical Alignment Plan 09.10.2018
-0343 Revision P3 Section 38 Surfacing and Kerbing Plan 09.10.2018
-0344 Revision P3 Section 38 Highway Contours and Gullies 09.10.2018
-0345 Revision P2 Highway Details 09.10.2018
-0345 Revision P3 Highway Details 09.10.2018
-0400 Revision P1 Long Section Sheet 1 09.10.2018
-0401 Revision P1 Long Section Sheet 2 09.10.2018
-0402 Revision P1 Long Section Sheet 3 09.10.2018
-0420 Revision P1 Long Sections 09.10.2018
-0430 Revision P3 Long Sections 09.10.2018
-Unreferenced Mains Record 02.11.2018
-Unreferenced NGN Plan 02.11.2018
-017/059/EFPA External Materials Plan 02.11.2018
-018/035/1 House Type 740 Floor, Elevations and Section Plan 02.11.2018
-1940.03 Service Plan 02.11.2018
-Unreferenced Construction Site Layout Plan 21.11.2018
-017/059/SLP/C Location Plan 23.01.2019
-017/059/SL3/J Site Layout Plan 22.03.2019
-GPAHL60-2 Updated Play Equipped Plan 04.02.2019
-PC1 Location Plan and Materials (Plot 6 only) 16.08.2019
-PC2 Site Layout Plan (Plot 6 only) 16.08.2019
-PC3 Elevation, Roof and Floor Layout Plan (Plot 6 only) 16.08.2019
-GPAHL1 Location Plan (plot 9 only) 28.08.2020
-GPAHL2 Site Layout Plan (plot 9 only) 28.08.2020
-019/076/919 Elevation, Roof, Typical Section and Floor Layout Plan (Plot 9 only) 28.08.2020
-GPAHL1 Location Plan (plot 46 only) 28.08.2020

-020 / 046 / P46 Site Layout Plan (plot 46 only) 28.08.2020

-020 / 039 / PD Elevation, Roof, Typical Section and Floor Layout Plan (Plot 46 only) 28.08.2020

- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development shall be undertaken within Part 1, Class A, B or C including the installation of windows, dormer windows or other openings (other than those expressly authorised by this permission) within the rear elevation of plots 24, 25, 26, 70 and 71 without the grant of a separate planning permission from the Local Planning Authority
- 3) No development shall take place unless in strict accordance with the Construction Method Statement (dated 9th July 2018) received 21 November 2018 as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.
- 4) The development will be carried out in accordance with the public open space details contained in site layout plan drawing number 017/059/SL3/J, play equipment plan area reference GPAHL60 and play equipment drawing GPAHL60-1. The scheme shall be implemented in accordance with an agreed scheme of implementation timescales and retained and maintained as agreed unless otherwise agreed in writing in advance with the Local Planning Authority.
- 5) The mitigation measures detailed in the approved Flood Risk Assessment (FRA) prepared by Alan Wood & Partners (Report JAG/AD/JD/34578-RP003 dated March 2018 and received 16th July 2018 shall be carried out in full prior to the development first being occupied unless otherwise agreed in writing by the Local Planning Authority.
- 6) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on external materials plan drawing number 017/059/EFP/A received 02nd November 2018 and document titled GPAHL13 (Revised) Schedule of Materials received 02nd November 2018 unless otherwise agreed in writing by the Local Planning Authority
- 7) The screen walls and/or fences shown on the standard boundary details plan drawing number 018/059/FD received 06th August 2018 and external materials plan drawing number 017/059/EFP/A received 02nd November 2018 shall be erected prior to the occupation of the dwelling(s) it will serve and shall be retained and maintained as such at all times thereafter.
- 8) The protective fencing protecting the trees shown for retention on the approved tree protection plan (Tree Report June 2018) shall be maintained during the whole period of site excavation and construction. The area within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
 1. There shall be no changes in ground levels;
 2. No materials, vehicles or plant shall be stored;

3. No buildings or temporary buildings shall be erected or stationed;
 4. No materials or waste shall be burnt or liquid disposed of; and.
 5. No excavation of services, without the prior written consent of the Local Planning Authority.
- 9) The development shall be carried out in strict accordance with all of the recommendations for mitigation set out in Section 4 of the Preliminary Ecological Appraisal Report (Curtis Ecology, July 2018) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.
 - 10) The development shall be carried out in accordance with the details contained in the Wildlife Enhancement Management Plan (plan number 017/059/SL3/J) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.
 - 11) Notwithstanding the submitted Revised Travel Plan by Local Transport Projects dated November 2018 an update shall be submitted for approval by the Local Planning Authority prior to the occupation of the twenty ninth dwelling on the site. This shall include monitoring and evaluation for a period of 5 years. Evaluation results shall be submitted to the Local Planning Authority on a yearly basis or as otherwise previously agreed in writing with the Local Planning Authority. If the agreed targets are not met a scheme shall be agreed to aim to meet the targets and carried out as approved.
 - 12) Unless otherwise agreed in writing with the Local Planning Authority development shall proceed in accordance with the layout, drainage, construction, services, and lighting details of the proposed residential streets including the junctions with the existing public maintainable highway provided on drawing numbers 0301 P2, 1000 P3, FDC/NWD/01, 0340 Revision P3, 0201 Revision P1, 0301 Revision P1, 0303 Revision P1, 0320 Revision P1, 0321 Revision P1, 0322 Revision P1, 0323 Revision P1, 0324 Revision P1, 0330 Revision P1, 0341 Revision P2, 0342 Revision P3, 0343 Revision P3, 0344 Revision P3, 0345 Revision P2, 0345 Revision P3, 0400 Revision P1, 0401 Revision P1, 0402 Revision P1, 0420 Revision P1, 13.0430 Revision P3, unreferenced mains plan, unreferenced NGN plan, 1940.03, 34578 P2 and shall thereafter be retained.
 - 13) Unless otherwise agreed in writing with the Local Planning Authority no dwelling on the site shall be occupied until that part of the street which provides access to it has been constructed and lit from the connection with the earlier phases of the development in accordance with the approved plans.
 - 14) No dwelling shall be occupied until the vehicular access has been provided and space has been laid out within the curtilage of that dwelling or the site for motor cars to be parked in accordance with the details included within the submitted application, drawing number 017/059/SL3/J. Provision shall thereafter be retained for the parking of these motorcars and this provision shall not be used for any other purpose.

- 15) Notwithstanding the provisions of Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and subsequently re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected or constructed within any service strip so identified in the approved plans without the prior express consent in writing of the Local Planning Authority.
- 16) Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the submitted Construction Method Statement (dated 9th July 2018) received 21st November 2018 regarding the provision of wheel cleaning facilities within the curtilage of the site, and thereafter retained for the duration of the development hereby approved.
- 17) Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved details shown on the unreferenced construction Site Layout Plan received 21 November 2018 regarding the provision of the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained and used by contractors during the construction of the buildings on the development hereby approved.
- 18) The development shall be carried out in accordance with the details shown on the submitted Drainage Impact Assessment prepared by Alan Wood & Partners (Report JAG/AD/JD/34578- RP004 dated March 2018), unless otherwise agreed in writing with the Local Planning Authority. A complete and operation land drainage system shall be installed prior to the dwelling it serves is occupied.

End of Schedule of Conditions