



Appeal Decision

Site visit made on 11 September 2018

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 October 2018

Appeal Ref: APP/H0738/W/18/3194426

Land associated with Hunter's Rest, Urlay Nook Road, Eaglescliffe

- 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 Site Plan UK against Stockton-on-Tees Borough Council.
 - The application Ref 17/0775/OUT, is dated 20 March 2017.
 - The development proposed is the erection of residential development, associated infrastructure including access road and public open space.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of residential development, associated infrastructure including access road and public open space at land associated with Hunter's Rest, Urlay Nook Road, Eaglescliffe in accordance with the terms of the application, Ref 17/0775/OUT, dated 20 March 2017, subject to the conditions set out in the schedule attached to this decision letter.

Application for costs

2. An application for costs was made by Site Plan UK against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline including consideration of access, with all other matters reserved. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being illustrative.
4. Since the appeal was made, a revised version of the National Planning Policy Framework (the Framework) has been published and I have therefore determined the appeal in light of the revised Framework. The main parties have been given an opportunity to comment on the revisions where they may be relevant to this appeal and I have taken any responses into account in reaching my decision.
5. The Council failed to determine the planning application. However, in their Statement they advise that the application was recommended to be approved to their January Planning Committee. Although the matter was deferred and in the meantime the appeal was made, following a February Planning Committee the Council have indicated that they support the application.

6. The recommendation to approve was subject to a Planning Obligation being agreed in line with heads of terms outlined in the Officer's report. This would have included the provision of on-site affordable housing, contributions to town centre car parking, school capacity, a bus service and public open space maintenance or contingencies, as well as highways improvements to the A66 Elton Interchange.
7. In support of their appeal the appellants have provided a planning obligation in the form of a Unilateral Undertaking. This includes provision for the items indicated under those heads of terms.
8. However the Council responded in August 2018 that they consider the Undertaking should also include an obligation to enter into an agreement under section 278 of the Highways Act 1980 (s278 agreement) for improvements to the Urlay Nook Road/Durham Lane/Elton Lane/Tesco Roundabout (the Roundabout) which is situated approximately half a kilometre farther along Urlay Nook Road to the south east of the proposed entrance to the site. They point to an outline planning permission granted in August 2018 for a similar housing development on the site. This was subject to a Planning Agreement between the appellant and the Council which includes such an obligation relating to the Roundabout.
9. The appellants dispute that such an obligation relating to the Roundabout is necessary. This issue is the only one in dispute between the main parties.
10. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. These 'CIL tests' are reiterated in the Framework.

Main Issue

11. Given the position reached by the main parties on the appeal there is one main issue in this case.
12. That is the effect the development would have on capacity and congestion in the transport network in the vicinity of the site, with particular reference to whether an obligation to improve the Roundabout would meet the CIL Regulations and Framework requirements.

Reasons

13. The site comprises a number of fields surrounding Hunter's Rest Farm. The development would provide up to 130 dwellings with vehicular access taken from Urlay Nook Road in the same position as the existing farm access.
14. In support of their application the appellant's Technical Note 2: Highways (TN2) analysed and reported modelling of the anticipated effect the development would have on the Roundabout, including factoring in other committed development in the area. It concluded that the impact of the development on the Roundabout was not considered to be significant.

15. Although not specifically referring to the Roundabout, the Council's January Officer Report noted that the results of traffic modelling showed that there would be limited practical difference in terms of traffic impact on the local road network in the Yarm area with or without the proposed development. This was because they considered that it would only represent a small proportion of traffic generation compared to the existing position and future development anticipated in the area. The Report concluded that whilst the local network would experience some congestion, that the residual cumulative impact of the development on the highways network would not be severe. A subsequent Officer's Report in February noted that, although highway modelling work was ongoing, the absence of an objection from their Highways, Transport and Design Manager meant that the recommendation was unchanged and this was endorsed by the Committee, albeit that the appeal had been made by that time.
16. In their response to the appellants' Unilateral Undertaking the Council advise that the obligation to enter into a s278 agreement for the improvements to the Roundabout was 'a proviso' by the Council to mitigate any highway impacts which may have been identified in further highway modelling carried out at the time. The appellant advises that they assume this related to testing proposed traffic flows within a 'West Stockton traffic model' that was being developed and not completed or tested as the time they made the appeal. However, correspondence from the Council's Highways, Transport and Design Manager indicates that this relates to the A66 Elton Interchange rather than the Roundabout. In any event, the Council have not advised what the outcome or implications of this further modelling are and, in confirming that they support the proposal, the Council's statement does not include any caveat about works to the Roundabout.
17. The Council have not provided details of what the likely scope of works or contribution for any improvements to the Roundabout might be, nor what changed circumstances may have arisen that would have cast doubt on the conclusions of the appellant's highways Technical Notes that the effects of the development on the operation of the Roundabout would be acceptable.
18. It is evident that there is motor vehicle congestion at certain times of the day associated with the Roundabout. TN2 indicates that this would be likely to worsen in the future, including as a result of the proposed development and other anticipated development in the area, although the effects of the proposed development itself would be limited. Representations from interested parties in response to the application and appeal consider that road infrastructure in the surrounding area has exceeded capacity and the road system is inadequate to cope with the appeal development and other proposed developments.
19. Nevertheless, there is no technical evidence before me that would indicate that the proposed development itself, or cumulatively with other developments likely to come forward, would lead to an unacceptable impact on highway safety. Taking account of other mitigation proposed as part of the Unilateral Undertaking including that to the A66 Elton Interchange, there is no substantive evidence that any residual cumulative impacts on the road network would be severe. In these circumstances it has not been clearly demonstrated that including such a provision in a Planning Obligation would be necessary to make the development acceptable in planning terms.

20. The requirement that the Council suggest should be included in the appellants' Unilateral Undertaking is to enter into an s278 agreement. However there is no indication of what the terms of the agreement would be nor what the scope of either cost or extent of such improvements to be secured under such an agreement would entail. This is in contrast to the obligation relating to works at the A66 Elton Interchange where it is clear what the nature and cost of the improvement works would be. It is therefore not possible to conclude that any such improvement works to the Roundabout would be fairly and reasonably related in scale and kind to the proposed development. Furthermore, it would not be appropriate to include in an obligation under the Planning Act a requirement to enter into an agreement under different, complementary legislation.
21. Therefore such a requirement would not comply with the CIL Regulations or the Framework. The absence of an obligation in the Unilateral Undertaking to the effect suggested by the Council would not make the development unacceptable. Having considered the appellants' technical reports and the comments of the Council's Highways, Transport and Design Manager, I find no reason to disagree that impacts on the road network would not be severe with the other mitigation proposed.
22. This would avoid the circumstances where the Framework requires that development should be prevented or refused on highways grounds. The development would not conflict with Core Strategy¹ Policies CS2's or CS11's provisions relating to sustainable transport and travel, and Planning Obligations, in that respect.
23. Planning permission was granted in August 2018 for a development of a similar scale on the site. Although the Council point out that this was subject to a planning agreement that includes the disputed requirement, I have not been presented with the reasons which led to that requirement being included. Having considered this appeal on its merits and in light of the evidence before me, this does not lead me to a different conclusion on the main issue.

Other Matters

24. I have no information to suggest that the August 2018 planning permission could not be implemented, subject to the reserved matters being approved. Therefore it can be considered as a genuine 'fallback' alternative to the appeal scheme and carries considerable weight in favour of the appeal as a result.
25. As well as concerns about the effects of increased traffic and congestion, interested parties responding to the application and the appeal have raised a number of concerns and objections to the proposal.
26. Notwithstanding effects associated with the Roundabout considered above, I can appreciate the concerns of interested parties regarding the cumulative effects of new development on the road network in light of their reports of existing traffic and congestion issues that are experienced. However, the appellants' Transport Assessment and subsequent technical notes indicate that the anticipated levels of increased congestion as a result of the development could be mitigated at the A66 Elton Interchange and that the residual cumulative impacts on the road network would not be severe. The Council's

¹ Stockton-on-Tees Borough Local Development Framework – Core Strategy Development Plan Document, 2010.

- Highways, Transport and Design Manager concurs and I can find no substantive reasons to disagree.
27. Whilst interested parties reported that transport infrastructure expected to be provided by other developments in the vicinity had not been delivered, there is no indication that the highways and mitigation works proposed as part of the appeal scheme would not be implemented. The Council's powers with regards to the enforcement of planning obligations and conditions could ensure that they would be.
 28. The effects of any increase in pupil numbers arising from the development on local school infrastructure would be addressed by mitigation put forward in the appellants' Unilateral Undertaking. There is no substantive evidence to suggest that future occupiers of dwellings on the site would lead to unacceptably harmful effects on health or other social infrastructure in the area.
 29. The development would result in the loss of an area of open countryside and although the site is largely contained by natural and built features, its sloping topography means that the change from a rural to suburban character would be noticeable. This would be particularly at close quarters from Urlay Nook Road where existing expansive views, including from public benches, across the site to countryside beyond would be effectively lost. Nevertheless, considering the findings of the appellants' Landscape and Visual Review, over time with suitable landscaping mitigation which could be considered in detail as a reserved matter, the visual effects of the development would be lessened to a degree. Overall, significant adverse effects on the wider landscape character of the area would be avoided.
 30. The proposed footpath around the perimeter of the site adjacent to Nelly Burdon's Beck would link proposed areas of open space and has the potential to create a pleasant and accessible route. It would be set back from the Beck and although it would increase access and activity in the area there is no substantive evidence to suggest that this relationship would be inherently unsafe for users.
 31. Whilst some indicative areas of development could locate dwellings and their access roads near to proposed ones on an adjacent site, overall the areas of development could be situated far enough away from existing or proposed dwellings to avoid any adverse effects on occupiers' living conditions. Detailed arrangements could ensure this when reserved matters are considered. Similarly, although the indicative plan illustrates an area of open space adjoining existing dwellings, there is no evidence to suggest that this would necessarily lead to any anti-social behaviour adversely affecting neighbours' living conditions.
 32. The appellants' Protected Species Surveys have identified that parts of the site are likely to provide a habitat for protected species, as well as other species, and that this habitat would be affected by the development. The Surveys went on to set out recommendations for mitigation and in some cases enhancement with the conclusions that, with mitigation in place, the development would not have a significant impact on protected species. This mitigation and enhancement could be required by a planning condition. I have been presented with no convincing reasons to disagree with the Surveys' findings that the development would not cause adverse effect on protected species or significant harm to biodiversity.

33. Bearing in mind the findings of the revised Flood Risk assessment, subject to an appropriately designed sustainable drainage scheme including appropriate attenuation measures being implemented, the surface water from the development could be managed to avoid flooding the Beck or other areas downstream. This could be secured by way of a planning condition.
34. I note that the Council reached similar conclusions in these respects. Having regard to the fallback planning permission on the site, these other matters considered either on their own or together would not amount to convincing reasons to withhold permission.

Planning Obligation

35. The appellants' Unilateral Undertaking would secure the following planning obligations:
- The provision of 15% of dwellings on the site to be affordable housing.
 - Education financial contributions of £2,396 per family home for primary education and £2,986 per family home for secondary education, subject to discounts in the event of vacant places in specified schools.
 - A financial contribution of £37,500 towards the costs of improvement works to the A66 Elton Interchange.
 - A financial contribution of £60,065.52 towards the provision or improvement of car parking solutions in Yarm.
 - The provision, funding and implementation of a scheme to continue the provision of a bus service for up to five years following the end of existing provision.
 - The provision of public open space, its transfer to a management company and arrangements for maintenance, with contingency arrangements for a financial contribution to be made in lieu in certain circumstances.
36. Having considered the evidence in the Council's reports and consultee comments, the elements in the Obligation are all necessary to make the scheme acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the proposal. In the light of the evidence, all the elements of the Obligation meet the policy in paragraph 56 of the Framework and the tests in Regulation 122 of the CIL Regulations. They can therefore be taken into account.

Planning Balance

37. The development would be contrary to saved Local Plan² Policy EN 13 which restricts development outside its Limits to Development, with particular exceptions with which the appeal proposal would not meet. However, this policy does not accord with the Framework's approach to housing development and countryside protection and only carries limited weight. Despite the site being well contained by built and natural features it would, to a limited degree, erode the separation between settlements including the strategic gap between

² Stockton-on-Tees Local Plan, 1997.

Eaglescliffe and Middleton St George which Core Strategy Policy CS10 seeks to maintain.

38. However, the Council advise that although they can demonstrate a five year supply of deliverable housing sites this relies on a local plan which has been submitted for examination but not adopted and only carries limited weight. The Framework considers that the policies which are most important for determining the application are out-of-date in situations where a five year housing land supply cannot be demonstrated.
39. The adverse impacts of granting permission would include the loss of an area of open countryside with consequent effects on the area's character and appearance, however these would not be significant and this only carries limited weight against the proposal as does the policy conflict in this regard. My findings above are that there would not be severe effects on the road network. The development would have considerable benefits in the form of delivering new housing of which 15% would be affordable, along with more moderate economic and social benefits by way of the construction phase and subsequent occupation of dwellings. Together those benefits carry substantial weight and the harm would not significantly and demonstrably outweigh those benefits. These are circumstances where the Framework indicates that planning permission should be granted. I note that my findings in this respect concur with the Council's approach.

Conditions

40. I have considered the Council's list of conditions, suggested without prejudice, making appropriate minor alterations in light of the Planning Practice Guidance in the interests of clarity and precision.
41. It is necessary to specify the approved plans as this provides certainty. In order to preserve the character and appearance of the area it is necessary to retain trees and hedges on the site and ensure their protection during construction. A Construction Management Plan and limiting construction working hours will minimise disturbance and inconvenience to neighbours and disruption on surrounding roads, and this will go some way to addressing objectors' concerns in this respect. Requiring the access point to be made up will help to ensure safe access and egress for construction traffic. In order to ensure the safety of road users and traffic entering and leaving the site the sightlines at the site access need to be implemented.
42. Requiring the perimeter footpath to be provided will ensure an attractive walking route linking proposed areas of open space encouraging access for all. In order to avoid flooding and ensure that the site is adequately drained without adverse effects inside or outside the site, including the Beck, it is necessary that drainage arrangements are designed along sustainable drainage principles and are properly implemented and maintained. For clarity and to avoid duplication I have attached a single condition relating to the approval and implementation of a surface water drainage scheme and a separate one relating to foul water.
43. In order to ensure that floor levels of dwellings are appropriate in relation to one another and any existing adjacent ones it is necessary to approve levels to protect the living conditions of existing and future residents. Requiring reductions in anticipated carbon emissions through renewable energy and/or

construction materials will help meet the challenge of climate change. Harm to protected and other species will be avoided by adhering to the recommendations of ecology surveys and an approved mitigation strategy. In order to protect the health of future residents and avoid other harmful effects it is necessary to carry out an appropriate assessment of potential contamination, implement any necessary remediation scheme and put in place an approach for dealing with any unexpected contamination.

Conclusion

44. For the above reasons, and having had regard to all other matters raised, the residual cumulative impacts on the road network would not be severe in the absence of a planning obligation requiring the appellant to enter into a s278 agreement relating to the Roundabout. Such an obligation would not meet the CIL Regulations and Framework requirements. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

Reserved matters - details

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reserved matters - time period for submission

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Period for commencement

- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Approved plans

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: CAL020616 01 REV G; CAL020616 02 REV G; 1701801f; cjm/1 SUBM.01.

Retention of existing trees, shrubs and hedges

- 5) Notwithstanding the proposals detailed in the Design and Access Statement, approved plans or any plans submitted as part of the reserved matters application, no development shall take place until a scheme for the retention of existing trees, shrubs and hedges on the site has been submitted to and approved in writing by the local planning authority. The scheme shall include: (i) a plan identifying the trees, shrubs and hedges on the site and detail those to be retained, and; (ii) details of a long term maintenance strategy for all trees, shrubs and hedges indicated for retention from practical completion of the

development. The development shall be carried out in accordance with the approved scheme and retained trees, shrubs and hedges shall be retained and maintained in accordance with the agreed scheme thereafter. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved scheme. Any retained tree, shrub or hedge or any tree, shrub or hedge planted as a replacement which within a period of 5 years from the completion of the development dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless otherwise directed in writing by the local planning authority.

Tree protection

- 6) No development shall take place until full details of the protection of retained trees on and adjacent to the site has been submitted to and approved in writing by the local planning authority. Such protection shall comply with British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations and Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) Operatives Handbook, 19 November 2007. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). The approved scheme shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Construction management plan

- 7) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall provide details of:
- (i) the site construction access(es)
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
 - (vi) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
 - (vii) measures to control and monitor the emission of dust and dirt during construction;
 - (viii) a Site Waste Management Plan;
 - (ix) details of the routing of associated HGVs;
 - (x) measures to protect existing footpaths and verges, and;
 - (xi) a means of communication with local residents.
- The approved Construction Management Plan shall be adhered to throughout the construction period.

Site construction access

- 8) No development shall take place (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

Creation of visibility splays

- 9) No development shall take place (except for the purposes of constructing the initial site access) until visibility splays have been provided at the site entrance in accordance with a scheme of such which has first been submitted to and approved in writing by the local planning authority.

Footpath links

- 10) As part of any reserved matters application precise details of a footway link to the perimeter of the site including an implementation phasing scheme shall be submitted to and approved in writing by the local planning authority and subsequently implemented in accordance with the approved details and phasing scheme.

Foul water drainage

- 11) No development shall take place until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented to serve that dwelling.

Surface water drainage and management

- 12) No development shall take place until a scheme of 'Surface Water Drainage and Management' for the design, specification, implementation, maintenance and management of the sustainable drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include but not be restricted to providing the following details:

- (i) Detailed design of the surface water management system;
- (ii) A build program, phasing plan and timetable for the provision of the critical surface water drainage infrastructure;
- (iii) A construction phase management plan detailing how surface water runoff from the site will be managed during the construction phase;
- (iv) Details of adoption responsibilities, and;
- (v) A management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved scheme. No development shall take place until the construction phase management plan element of the approved scheme has been implemented. No dwelling shall be occupied until the approved scheme has been implemented and is operational for that phase of development to which the dwelling relates.

Levels

- 13) No development shall take place until details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reduction in CO₂ emissions

- 14) The construction of any dwellings hereby approved shall not be commenced until a scheme detailing how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials, or detailing why this would be unfeasible or unviable, has been submitted to and approved in writing by the local planning authority. The carbon savings which result from the scheme will be above and beyond what is required to comply with Part L of the Building Regulations or other such superseding requirements. The approved scheme of reduction shall have been implemented on site, and brought into use where appropriate, before the dwelling(s) to which it relates are first occupied. The approved scheme shall be maintained in perpetuity thereafter.

Ecology and mitigation

- 15) The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the Protected Species Surveys dated September 2017, undertaken by QUANTS Environmental Ltd. (the Surveys). No development shall take place until an Ecological Mitigation and Compensation Strategy (the Strategy) which includes a wildlife sensitive lighting strategy has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken only in strict accordance with the approved Strategy and Surveys.

Construction working hours

- 16) Demolition or construction works and deliveries associated with the construction phase of the development shall take place only between 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Contaminated land

- 17) No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment shall include a full intrusive ground investigation risk assessment carried out in accordance with a scheme to assess the nature and extent of any contamination on the site (whether or not it originates on the site) to include for ground contamination screening and ground gas production, and an appropriate risk assessment undertaken. The scheme shall have been submitted to and approved in writing beforehand by the local planning authority. This assessment and scheme must be undertaken by a suitably qualified contaminated land practitioner in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of

Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced). The assessment must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments, and;
- (iii) an appraisal of remedial options, a proposal of the preferred option(s) and a remediation scheme.

The approved remediation scheme shall be implemented in full prior to the construction phase of development taking place.

Remediation scheme

- 18) Following implementation of measures identified in the remediation scheme approved in accordance with condition 17) above and prior to the first occupation of any dwellings, a verification report must be submitted to and approved in writing by the local planning authority. The verification report must demonstrate the effectiveness of the remediation carried out together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils. The approved monitoring and maintenance programme shall be implemented thereafter.

Unexpected land contamination

- 19) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development, is resumed or continued.

*** End of Schedule of Conditions ***