

Development Management Report

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Summary of Application

Application Number: 16/00327/REM	Parish:	Great Ness
Proposal: Application for approval of reserved matters (appearance, layout, scale and landscaping) pursuant to permission 14/03619/OUT for the erection of 2 no. dwellings		
Site Address: Proposed Dwellings At Wilcot Kinton Shrewsbury Shropshire		
Applicant: Mr T E Jones		
Case Officer: Oliver Thomas		email: planningdmc@shropshire.gov.uk

Grid Ref: 337861 - 318668



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Recommendation:- It is requested that should the planning committee resolve to approve this application, delegated powers be afforded back to the Area Planning Manager. Due

to the ecologist raising concern and requesting additional information in regards to European Protected Species. Subsequent to this additional information being submitted and approved, the application will gain approval subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is seeking reserved matters approval for the erection of two residential dwellings pursuant to Outline permission 14/03619/OUT. These reserved matters are to include appearance, landscaping, layout and scale; with access being approved at outline stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is currently used for agricultural purposes for the sheltering of cattle and storage. Currently on site are three Dutch barns, two of which are used to shelter cattle. The Dutch barns are proposed to be demolished if planning permission is successful. The site is adjoined by open fields to the north and east, within the applicant's ownership, with neighbouring residential dwelling to the north west and west on the opposing side of the highway.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications where the Parish Council submit a view contrary to officers approval based on material planning reasons the following tests need to be met;
- These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
 - The Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council has raised material planning issues that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SuDS – No objections.

The drainage proposal is acceptable; therefore the condition can be discharged.

4.1.2 SC Affordable Housing – Additional information required

As an open market housing proposal, the Core Strategy requires the development to

contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed.

4.1.3 **SC Highways – No objections subject to conditions.**

The principle of the development has been previously approved under outline consent 14/03619/OUT and these highway comments are forwarded in respect of the submitted details for the approval of reserved matters.

4.1.4 **SC Archaeology – No objections.**

We note Condition 14 on Planning Permission 14/03619/OUT. We have no further comments to make with respect to archaeological matters.

4.1.5 **SC Trees – No objection subject to conditions.**

Having had a look at the site, there is an issue with shading and impact on residential amenity caused by the trees on land adjacent. The problem is that there is outline for two dwellings and there isn't really space to rearrange the site. Unfortunately Trees were not consulted at outline, otherwise an AIA would have been requested and the site could have been limited to just one dwelling. As such in order to ensure that trees are protected to the required standard a condition has been imposed.

4.1.6 **SC Conservation – No objections (25/05/2016)**

Subject to the imposition of relevant condition, the Historic Environment team have no further comments.

– Additional information required (28/04/2016)

This application for three new dwellings affects property within the centre of the historic settlement of Wilcot. While I have not visited the property and my initial assessment is desk based, I understand that it is currently occupied by three agricultural buildings, one a 20th Century Dutch barn and the other buildings likely dating from the mid to late 19th Century based on our circa 1900 archival Ordnance Survey mapping layer. As these buildings are proposed to be demolished in order to facilitate redevelopment of the site for new dwellings, additional information on these buildings needs to be provided in terms of a Heritage Buildings Assessment for our review and in order to justify their removal. Should the proposed development be approved, these buildings should be recorded and the information provided to the

Historic Environment Record.

As noted above, the property is sited at the core of this early settlement and there are a number of designated and non-designated heritage assets in close proximity to the property which are also important to the overall character and appearance of the settlement, and it is important that any proposal here respects these buildings, their setting and the landscape features important to Wilcot. Specifically, directly across the road to the south is the Grade II listed Wilcot Hall, a mid to late 19th Century house but which incorporates a much earlier core, along with its traditional agricultural buildings. To the east is a former mill pond of potential heritage interest, and immediately south-east of the pond is a Norman motte and remains of a tower keep which has been designated as a Scheduled Monument.

Along the frontage of the property along the local roadway there is a sandstone wall that is a characteristic feature of the settlement and there is a public element at the entrance to the property with a public letterbox inserted in the sandstone wall and community notice board evident beside it.

Development will need to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework (NPPF).

As noted above further details on the existing buildings are required to determine their historic value and should development be permitted the early buildings should be formally recorded. Features such as the sandstone walling along the frontage is important to the settlement and needs to be retained and better respected than shown in the plans provided, and all existing boundary trees and hedging should be retained to better reduce any detrimental impact on the nearby heritage assets. As submitted, the property appears to be overdeveloped with three detached dwellings and three detached garages currently proposed; the scale of development should be reduced on this centrally sited location within this small historic settlement to reduce the overall impact on the area. The development will need to reflect local vernacular detail in terms of scale, details, materials, and building and access drive layout.

Additional information will be required on the existing buildings as noted above. A reduction in the intensity of the development proposed is recommended at this core location within the historic settlement.

4.1.7 **SC Ecology – Additional Information required (20/06/2016)**

During the Ecological Appraisal conducted by Pearce Environment during July '014 two badger setts were located just off the application site boundary within the plantation woodland strip to the south. In 2014 it was considered that development to the south of the site was achievable, through careful design, badger protection and buffer areas/wildlife corridors for safe badger passage. As the site layout has been submitted it is not clear how the badger setts will be protected and retained during development.

Additional information and update badger survey work is required in order to update

the badger mitigation strategy in line with the updated site layout.

4.1.8 **Great Ness and Little Ness Parish Council – Reconsult – Objection (04/05/2016)**

The Parish Council would like to add the following comments to the initial objection to this application

- a) The reduction in the size of the properties is questionable, as the footprint has only been reduced by detaching the garages from the house.
- b) The access has not been changed; there remains a high risk of accidents with the T-junction on one side and a blind bend on the other, all of which is very close to the access;
- c) No attempt has been made to address the concerns of the neighbouring residents. No new fencing has been proposed and no plan to provide support for the banking.

- **Objection (02/03/2016)**

After careful consideration Great Ness and Little Ness Parish Council strongly objects to this planning application on the grounds that there is a need for more 2/3 bedroom houses and not 5 bed roomed ones as there are many larger properties that are not selling in the area. The type and style of the dwellings are not in character with the surrounding area and the access to the highway is down a single track road that Highways have already objected to in their last report. Concerns are also for the two badger sets in that area and the Parish Council would like a Conservation Survey carried out. The Parish Council would also like to draw your attention to the listed Victorian Post Box on the wall. These two five bedroom houses do not comply with their Parish Plan of Housing Needs Survey.

4.2 - **Public Comments**

4.2.1 **13 letters of objection were received from public representations, with their main considerations being summarised as follows;**

- Access point leads on to dangerous stretch of road, causing harm to highway users;
- Site is unsuitable for two additional dwellings;
- Wilcott has limited services which will result in a reliance on motor vehicle to access those within Nesscliffe;
- With the loss of the cow shed, will this result in a future application for a replacement shed?
- Proposed would be out of keeping with surrounding development, which consists of moderately large dwellings sitting in large plots;
- Proposal goes against Parish Plan which supports 2/3 bedrooms;
- Proposed materials would not sympathise with surrounding developments;
- Two 5 bedroom houses would amount to a large increase in vehicle movements;
- Proposal scale is too large for the site and its surroundings;
- Badger set was noted on the outline application, but seems to have been disregarded with this current application;

- If granted, site will need a comprehensive landscape plan to ensure the protection of both residential and local amenities.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Impact on residential amenity
Visual impact and landscaping
Highways and access issues
Drainage issues
Ecological issues
Affordable housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of development on site has already been established by the granting of outline permission 14/03619/OUT; in which it was considered that the site be deemed suitable for residential development with a domestic access arrangement agreed upon. Notwithstanding this, the decision notice did not purport to grant consent for the layout or number of dwellings (Condition 4).

6.1.2 The purpose of this application is to consider the detailed reserved matters for the construction of residential development in accordance with Policies contained within the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework. These reserved matters include the appearance and layout, scale and landscaping.

6.2 Siting, scale and design of structure

6.2.1 Policy CS6 of the Shropshire Core Strategy: 'Sustainable Design and Development Principles' requires developments to protect, conserve and enhance the built environment and be appropriate in scale, density, pattern and design whilst taking into account the local context and character. The development should also safeguard against local and residential amenity, further ensuring that sustainable design and construction principles are incorporated.

6.2.2 Further to Policy CS6, SAMDev MD2: 'Sustainable Design' requires developments to achieve local aspirations for design in terms of visual appearance and functionality. Proposals need to respond appropriately to the form and layout of the existing development including a mixture of uses, streetscapes plot sizes, scale and density that reflect locally characteristic architectural design and details which enhance, respect and restore the local context and character.

6.2.3 Section 7 of the National Planning Policy Framework: 'Requiring good design' attaches great importance to the built environment, with great weight being afforded to proposals which are considered outstanding or of innovative design helping to raise the standard of design within the area.

- 6.2.4 The proposal is for the development of no.2 three bed houses, both traditionally styled, two storey detached dwellings. Each dwelling will be accessed by a shared driveway, with each having a separate detached garage – Plot 1 will have a single bay with Plot 2 having a double bay garage. These garages are traditionally styled and will mirror the design and architectural traits of their adjoining dwellings.
- 6.2.5 Both dwellings are of identical scale; however they will mirror each other creating symmetry on site, despite being set at different orientations and within different sized plots. Plot 1 will sit fairly central on site with direct sightlines from the access point, whereas Plot 2 is positioned further south, with a slightly offset building line and orientated at a slight angle due to the plot shape and for visual aesthetics in creating two individual units in surroundings of predominantly single dwellings where their appearances are unique in style and form.
- 6.2.6 The surrounding area and immediate vicinity consists of sporadic development, each being well secluded from one another, predominantly within a large plot with views screened via substantial boundary treatments. Despite the proposal not following suit in respecting the existing layout, it is recognised and provided within the Parish Councils' comments that its aspirations are for smaller dwellings which are to supply housing that is capable to cater as 'small family homes' as expressed in the Parish Plan. Whilst this Plan does not hold significant weight in the decision making process, the outline was to permit residential development only with no scale or layout agreed upon and originally submitted plans were considered over development, with a scale too large. As such two options were put forward, either a single dwelling which would respect the existing form and layout of the immediate surroundings or to provide 2 small scale dwellings, in line with the Parish Plan and the Parish Councils originally submitted comments. The later was agreed upon.
- 6.3 Impact on residential amenity**
- 6.3.1 Policy CS6 of the Shropshire Core Strategy: 'Sustainable Design and Development Principles' attaches great importance in ensuring that proposals protect all aspects of both residential and local amenities of neighbouring developments and their occupants.
- 6.3.2 Whilst there is a need to make efficient use of development land, it is also important to ensure that reasonable living conditions for the occupants are provided and the development does not have unacceptable consequences for neighbouring occupants, such as overshadowing or loss of privacy. The two dwellings have been designed and positioned so as to protect and retain residential amenities, with only a single window opening to both side elevations of both dwellings – serving the first floor bathroom, as such is expected to be obscured glazing and will not provide views into neighbouring dwellings or their domestic space.
- 6.3.3 Guidance contained within the SPD 'Type and Affordability of Housing', advises that developments should normally provide a satisfactory level of children's play (for family accommodation), the external drying of washing, storage of tools and garden equipment, etc. All development should provide acceptable facilities/conditions for the storage and collection; originally submitted plans showed an inappropriate and unacceptable level of private amenity space commensurate to the size of the proposed dwellings, thus failing to comply with the SPD guidelines. However,

amended drawings following a reduction in scale of dwellings has resulted in the level of private amenity space available to be considered acceptable in supplying three bedroomed dwellings.

- 6.3.4 Public representations have raised concerns over the lack of immediate services and facilities within Wilcott; however upon adoption of the SAMDev Plan, Wilcott has been recognised as a Community Cluster under MD1. Community Clusters status' were given dependent on the communities aspirations for additional development and their aspire to become more sustainable. Sustainability is based on various factors, not just the locality of services/facilities, but also on intangible assets as expressed within 14/03070/OUT - the sites sustainability has been considered and accepted at outline stage.

6.4 Visual impact and landscaping

- 6.4.1 The site is currently in agricultural use and occupied with a number of outbuildings to house cattle. The proposed development would improve the visuals of the site, as part of the site is being used as a miscellaneous storage site with a large amount of rubble occupying the north-western boundary; well-maintained grassed garden and dwellings would be a marked improvement on its current situation.
- 6.4.2 Representations have been received making aware that a large amount of trees have been torn down in recent years, removing the boundary definition between the two sites. A landscaping scheme has been submitted, showing which trees are to be retained, planted and their location. The scheme also shows the placing of boundary treatments on site and their up-keep management. The two plots will be separated with a 1.8m high timber fence; an existing stone wall will remain and span the boundary perimeter to the south, to soften the noise pollution from the adjoining highway and retain the visual appearance of this historic settlement core, using reclaimed materials and matching the existing. This is considered acceptable; with a condition ensuring its completion prior to occupation will be attached in accordance with the comments received from Historic Environment.
- 6.4.3 The site lies within close proximity to the Grade II listed Wilcott Hall, whilst the proposed will not directly affect or alter this, the development does have potential to impact upon its special character and appearance and in accordance with national policies and guidance including PPS5 Historic Environment Planning Practice Guidance and section 12 of the NPPF and in conjunction with Policy CS17 of the Shropshire Core Strategy: 'Environmental Networks' and SAMDev MD13: 'The Historic Environment', all proposals which are likely to affect its setting and/or significance are accompanied with a Heritage Assessment; as such it was requested that a Heritage Statement be submitted, as special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This was considered acceptable by the Conservation Officer subject to important settlement features being retained and where required to be removed and replaced with great care to ensure the historical importance of the settlement is retained as per para 135 of the NPPF and a proposals direct or indirect potential to impact upon a non-designated heritage asset.

6.5 Highways and access issues

6.5.1 All access issues were dealt with at outline stage, with the creation of a new vehicle access being considered acceptable subject to the submission of full details at reserved matters stage. These have been submitted and are found to raise no objections from the Highway Authority. Despite the number of representations received highlighting the current road conditions of the site and surroundings, the Officer is unable to consider these due to access arrangements being approved at outline stage and further confirmation from the Highways Authority that no objections arise from the proposed details.

6.5 Drainage issues

6.5.1 Policy CS18 of the Shropshire Core Strategy: 'Sustainable Water Management' indicates that developments should integrate measures of sustainable water management to reduce flood risk and surface water drainage. Following the submission of the drainage details in conjunction with details submitted at outline stage, the Drainage Engineer has submitted comments confirming that the site has incorporated adequate provisions in line with the requirements of CS18.

6.6 Ecological issues

6.6.1 Policy CS17 of the Shropshire Core Strategy: 'Environmental Networks' recognises that Shropshire has a wealth of environmental assets and that development must protect, enhance and expand these assets. Proposals must protect and enhance the diversity and high quality of the natural environment, without adversely affecting the visual, ecological or recreational values and functions. Those which have potential to affect these assets must be designed in a way that does not adversely affect by means of creating barriers or severing links.

6.6.2 The council's ecologist was consulted at outline stage in response to the submitted ecology report; no objections were raised subject to the imposition of conditions (12, 13, 16, 17 & 19 – 14/03619/OUT). These conditions were in association with protection and mitigation for European Protected Species and following the submitted independent ecology report. Those requiring attention at reserved matters stage in regards to bats and nesting birds have been adequately dealt with by providing the required number of bat and bird boxes, alongside developing in accordance with the recommendations contained within the ecology report. However, the ecologist has highlighted that additional information is required in relation to the mitigation for harm to the established badger setts just of the southern boundary; these comments were received at a late stage, as such it is requested that the planning committee agree, subject to approval, to permit the Area Planning Manager delegated powers upon receipt and confirmation of this additional information.

6.7 Affordable housing

6.7.1 Despite the comments received from the Affordable Housing team, no further information was requested. This is due to the applicants having not entered into a S106 Agreement at outline stage; as a result of an administrative error. However, since the granting of 14/03619/OUT and following the recent decision in the Court of Appeal (C1/2015/2559), the previously dismissed Written Ministerial Statement has once again become a significant material consideration. As a result, the Council will generally not require an Affordable Housing Contribution (AHC) for applications for

10 dwelling and less than 1000sq m floor area in the majority of cases where the site is not located within a designated rural area. Great Ness, under Schedule 1 is a designated rural area; however, no AHC will be required as the designation only reduces the threshold to 5 units or 1000sq m floor area.

7.0 CONCLUSION

The proposed development is considered to be acceptable in terms of scale, layout, appearance and landscaping. The erection of two dwellings as shown on the approved plans will not unacceptably impact upon residential amenities or the character and appearance of the locality. The proposals is considered to be in accordance with all relevant policies contained within the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework; as such it is recommended that permission be GRANTED subject to the imposition of appropriate planning conditions and subject to the submission of additional information regarding the badger survey work.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

The National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS11 – Type and Affordability of Housing

CS17 – Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

Relevant planning history:

14/03619/OUT Outline application for the erection of two dwellings to include means of access (amended description) GRANT 5th March 2015

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr David Roberts

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

2. The development hereby permitted shall begin before the expiration of two years from the date of this notice.

Reason: In accordance with Section 92 of the Town and Country Planning Act, 1990.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

4. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no SA14965/03 prior to the dwelling being occupied. The approval parking and turning areas shall thereafter be maintained at all times for the purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. The garages hereby approved shall not be used as living accommodation. The garage buildings shall only be used for domestic purposes incidental to the enjoyment of the residential dwelling.

Reason: To safeguard the residential character and amenity of the area.

6. The existing community information board and its associated works shall be carried out in accordance with the terms of the application and approved plans.

Reason: To ensure the satisfactory preservation and safeguard the interest and character of the surrounding amenities.

7. No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

This shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

8. The existing community post box feature shall remain in-situ and fully protected during the approved works.

Reason: To safeguard the historical interest and character of the surrounding amenities.

9. All hard and soft landscape works shall be carried out in accordance with the approved plan. The works shall be carried out in the next available planting season. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.