

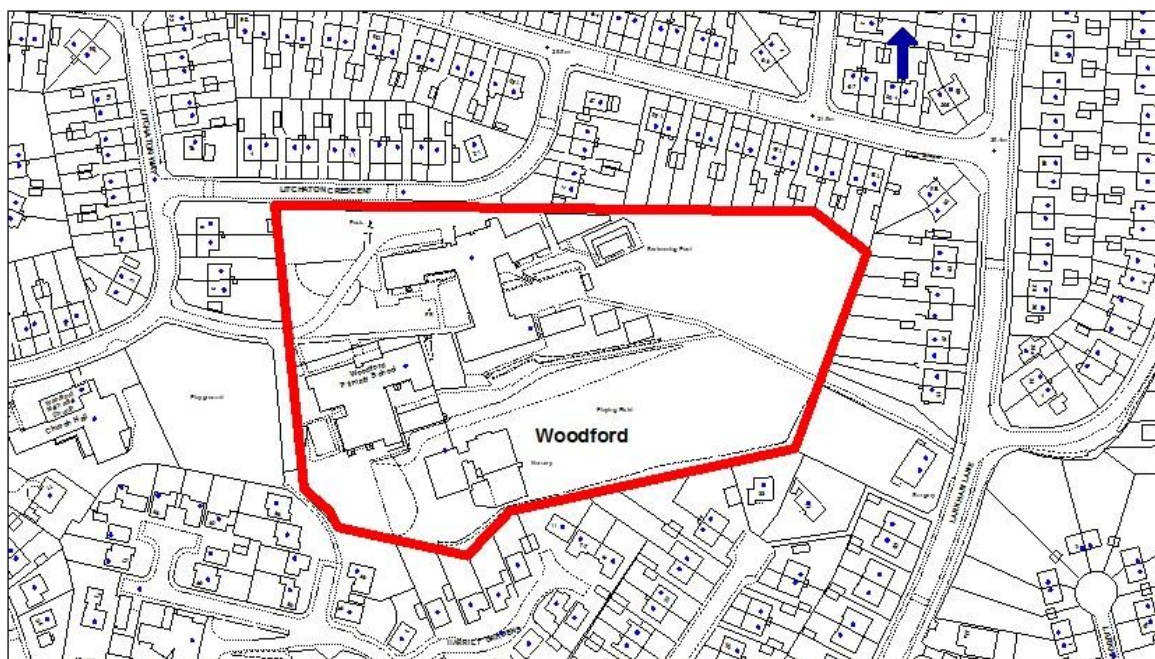
PLANNING APPLICATION REPORT



Application Number	14/01913/FUL	Item	06
Date Valid	10/10/2014	Ward	Plympton St Mary

Site Address	WOODFORD PRIMARY SCHOOL, LITCHATON WAY PLYMOUTH		
Proposal	Removal of two double temporary classroom units, erection of 3 extensions to existing school, installation of new covered walkway and creation of 8 additional car parking spaces		
Applicant	Plymouth City Council		
Application Type	Full Application		
Target Date	09/01/2015	Committee Date	Planning Committee: 20 November 2014
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Jon Fox		
Recommendation	Grant Conditionally		

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1. Description of site

The school site is situated in the heart of the residential area of Woodford and is surrounded on virtually all sides by 20th century detached and semi-detached housing. The site comprises approximately 2.2 hectares of land that slopes generally from north to south. The school buildings themselves are located towards the north-western corner of the site with the playing field situated on lower land towards the south and east. The site is home also to a nursery and children's centre, to the south of the site, and a dedicated building for use by the Scouts on the northern eastern part of the site.

2. Proposal description

It is proposed to expand the existing Woodford Primary School from 2.0 form entry (420 pupils) to 3.0 form entry (630 pupils). The development proposals are for the removal of two double temporary classroom units, erection of 3 extensions to existing school, installation of new covered walkway and creation of 8 additional car parking spaces.

The accompanying design and access statement (DAS) says that Plympton has experienced an increase in the number of children born in line with a rise in the birth rate across Plymouth in recent years adding pressure to available Reception places. The DAS states that school place planning predictions have demonstrated that all capacity in this area will be used up this year.

3. Pre-application enquiry

14/01262 - Extension and demolition works (880sqm). It was considered that within the context of the need for additional primary school places in the Plympton area it is clear that a site like this offers the space to grow to help meet that need. However, the Local Planning Authority could foresee problems with regard to traffic in and around the site at school dropping off and picking up times. It was considered vital that the school commits to whatever measures are arrived at to reduce and mitigate for the number of comings and goings at these times.

4. Relevant planning history

There have been numerous applications at the school site over the years:-

10/00322/FUL - New children's centre and associated consulting room and offices attached to existing nursery; extensions to and reconfiguration of existing nursery; and provision of new playground and associated soft and hard landscaping works. Permitted.

09/01641/FUL - Erection of detached single-storey building for use as staff room and staff training room. Permitted.

08/00722/FUL - Single-storey extension to form meeting/first aid room – Permitted.

06/00131/FUL - Single-storey extension to day nursery – Permitted.

05/00783/FUL - Single-storey extension to ICT Area – Permitted.

04/02153/FUL - Extension to provide additional classroom – Permitted.

01/01647 - Erection of building for use as out-of-school club facilities, with hall, babies room and staff room, attached to existing nursery building – Permitted.

01/00364/FUL - Single storey extensions to provide additional classroom space, ICT room, library and toilets – Permitted.

5. Consultation responses

Environment Agency (EA)

The EA consider that this proposal will be acceptable if a condition is included on the subsequent permission to ensure the construction and maintenance of a sustainable drainage system to control surface water. The EA provide the recommended text of this condition. The EA advise also that this site is located within the Plymouth Critical Drainage Area. The information provided with the application indicates how an appropriate surface water drainage scheme could be achieved on site using infiltration drainage in line with EA recommended standards. The EA consider that this is sufficient information for them to recommend a condition to cover the final detailed surface water drainage design on the site.

Local Highway Authority (HA)

Access and traffic movements

In the case of this proposal for the expansion of an existing school the HA consider that the existing access arrangements already segregate vehicle and pedestrian movements, and the existing highway layouts of the local streets, with the on-street School Zig-zag parking restrictions, and traffic calming, already afford safe pedestrian and vehicle movements within the Woodford estate and the vicinity of the school.

Car parking

Local Planning Authority guidance on the number of car parking spaces that should be provided to serve the school indicates a parking level of: “*1 space per teacher + 1 space per classroom for support staff and visitors*”. From which the application concludes that the proposed 3FE school should have approximately 42 parking spaces.

The HA understands from and in accordance with the requirement of the previous planning application number 10/00322/FUL that the school should currently have 30 car parking spaces in total, so there would apparently be a shortfall of 12 parking spaces to serve the proposed expansion of the school, a shortfall which the school would be encouraged to address as part of any development.

Cycle and Scooter parking

To encourage sustainable means of travel the HA state that conveniently placed appropriate and weatherproof cycle and scooter parking should be provided in accordance with this council’s recommendations, and this should be a feature of a Travel Plan.

Travel Plan

The school as part of the previous planning consent already has a requirement to operate an up to date Travel Plan, and a revised Travel Plan would be required to take account of the proposed expansion of the school. Transport would advise that Travel Plans need to be robust and meaningful.

HA Conclusion

The HA state that schools by their very nature tend to give rise to relatively brief periods of surges in associated traffic and congestion on the highway network and outside of the school sites, at the beginning and end of the school day. And the proposed expansion of the school would be expected to give rise to a resultant increase in associated traffic movements, short term congestion, and on-street parking demand, in the vicinity of the school. The HA support the proposal in principal, but

would advise that a travel plan should consider and put forward proposals and measures as to how these traffic impacts might be mitigated. In terms of specific on-site measures to accommodate the increase in pupil numbers, measures to adequately separate vehicles from pedestrians, e.g. strategically placed barriers and/or white lining is considered necessary. Otherwise infrastructure such as dedicated, secure and covered cycle/scooter parking is a must. If the proposed walkway can be used for shelter by parents then, too, would encourage walking to school.

6. Representations

Two representations were received, which raise the following points:

- Concerned about the amount of traffic and parking from new parents that will be dropping off children. Parents already block pavements and drives and drive fast.
- Children have nearly been hit and it is very difficult to cross the road in the morning and at pickup from school.
- Pedestrians have to walk in the road as people have parked on pavements.
- The bus also gets stuck as people park on corners.
- The Woodford area cannot support the increase in traffic and parking 220 new children will generate.
- The transport report refers to a range of areas, including cyclists and public transport usage, which in this instance, have little or no bearing on the application because hardly anyone uses them for the purpose of school attendance.
- The transport report talks about a prospect of reduced car usage through shared use and use of sustainable transport arrangements, public transport and parking off site. Excuse me for being rather cynical but it is most unlikely that parents are going to get a bus to the site. Where are they going to park and ride for a start.
- cars are the main tool of commuting, and expecting parents to use public transport or to walk more than a couple of hundred yards is wishful thinking
- The police and Local Authority can't manage the existing traffic arrangements; enforcement of restricted waiting and parking areas around the school.
- There should be a 'dropping off point' within the school grounds.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex I to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits;
or
- specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- The Development Guidelines Supplementary Planning Document.

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007, and is considered to be compliant with National Planning Policy Framework guidance.

Is the development acceptable in principle?

2. The development is acceptable in principle as it seeks to extend an existing school site for educational purposes. The extensions are proposed to help meet the need for increasing the capacity of the school. The alternative would be to extend another school, (if there is one that would serve the same or similar geographical area), or to build a new school in the locality.

Is the design acceptable?

3. The design of the proposed classroom extension would be an improvement on the old 'temporary' building to be demolished. However, the height, materials and prominent location of the proposed covered walkway, which is located on the front elevation of the school buildings, is considered to be less well integrated into the school site and is likely to appear as a large bolt-on extra. However, on balance it is considered that the use of powder-coated aluminium frames for the covered walkway, and windows/doors in the studio and kitchen extensions, would constitute a sufficient uplift in quality that would obviate the need for an amendment to the design. The proposals are therefore in accordance with policies CS02 and CS34 of the Core Strategy.

Does the proposal make sufficient provision for sustainability in terms of both the NPPF and the Council's own policies?

4. Transport Considerations

Concerns relating to the impact of additional comings and goings at the site, and principally those involving the dropping off and picking up of children by parents in cars, is the main issue that the proposals raise. The transport assessment submitted with the application states that an extra 210 pupils, with 45% driving at an occupancy of 1.89 pupils per car would result in an estimated maximum of 50 more trips to this site.

5. Concerns regarding congestion on the highways outside the school could be addressed in an updated school travel plan. Specific measures in the school grounds should include measures to further separate vehicles from pedestrians and the provision of expanded, covered cycle storage facilities. For example, as it stands staff who cycle, park their bikes near to their work station, whereas a dedicated and covered cycle store would likely be more attractive to all cyclists. It is appreciated that it is mainly only the older pupils who would cycle to school. Nevertheless, the proposals are for a very significant increase in pupil numbers and the existing cycle parking facilities are not considered adequate.

6. A Travel Plan would also be necessary to help put in place measures to minimise the use of the private car by those attending the site, or dropping off and picking up pupils, and maximising the use of other, more sustainable modes of transport.
7. On balance the proposals are not considered to be in conflict with policy CS28 of the Core Strategy.

8. Nature Conservation and trees

The proposals would have minimal impact on existing flora and fauna and, on balance, it is considered that adequate biodiversity gain can be achieved by the incorporation of 3 bird bricks and 3 bat bricks into the built form of the school buildings. Existing trees would need to be protected. There is a good specimen on the grass bank, in front of the existing kitchen. The roots of this tree would likely be endangered if the bank retaining wall were to be removed or altered in the course of the development. Therefore while the standard tree protection condition is considered adequate, an informative note should be included to warn against the possibility of the wall being affected. The proposals are therefore in accordance with policies CS18 and CS19 of the Core Strategy

Does the proposal make sufficient provision for climate change in terms of both the NPPF and the Council's own policies?

9. The proposals are not considered to have a negative impact on the environment in terms of increasing flood risk. A specific condition is required to ensure the provision of a suitable system to ensure the satisfactory disposal of surface water.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

A Community Infrastructure Levy (CIL) contribution would not be sought in this case.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations are not necessary in this case.

12. Equalities and Diversities

The proposals do not raise equality or diversity issues.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically would not be harmful to residential amenity, the character of the area, highway safety or nature conservation interests. It is therefore recommended that permission be granted.

14. Recommendation

In respect of the application dated **10/10/2014** and the submitted drawings 32205/P01, 32205/P02, 32205/P03, 32205/P04, 32205/P05, 32205/P06, 32205/P07, 32205/P08, 32205/P09, 32205/P10, 32205/P11, 32205/P12, 32205/P13, 32205/P14, 32205/P15, 32205/P16, H104/A, H100/A, 04284 TCP 03.04.09.2014, it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 32205/P01, 32205/P02, 32205/P03, 32205/P04, 32205/P05, 32205/P06, 32205/P07, 32205/P08, 32205/P09, 32205/P10, 32205/P11, 32205/P12, 32205/P13, 32205/P14, 32205/P15, 32205/P16, H104/A, H100/A, 04284 TCP 03.04.09.2014.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: EXTERNAL MATERIALS

(3) Notwithstanding the submitted plans no development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: FLOOD RISK

(4) Before the development hereby approved is commenced, details of a scheme for the management of the site's surface water shall be submitted to an approved in writing by the Local Planning Authority. The details shall include as a minimum:

- a) Details of the final drainage scheme, including pathways and flow routes for excess surface water during extreme weather;
- b) A construction quality control procedure;
- c) A plan for the future maintenance of the system and of any overland flow routes.

Prior to the occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme is completed in accordance with the agreed details. The scheme shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development, in accordance with policy CS21 of the Core Strategy of Plymouth's Local Development Framework and paragraph 103 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: CONSTRUCTION MANAGEMENT PLAN

(5) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Pre-occupation Conditions

PRE-OCCUPATION: CAR PARKING PROVISION

(6) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CAR PARKING MANAGEMENT PLAN

(7) The building shall not be occupied until a car parking management plan has been brought into operation in accordance with details previously submitted to and approved in writing by the Local Planning Authority and shall be maintained and operate within the site thereafter.

Reason:

In order to control the use of the limited on-site car parking encourage sustainable modes of travel and avoid conflict with other users of the site particularly with pedestrians, cyclists, and scooting, in accordance with Policy CS28 & CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(8) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for covered and secure bicycle and scooter parking. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: SEGREGATION OF VEHICULAR AND PEDESTRIAN MOVEMENT

(9) The building shall not be occupied until measures to segregate vehicle and pedestrian movements have been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these measures shall thereafter be retained.

Reason:

In order to protect pedestrians on site in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: TRAVEL PLAN

(10) The building hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 32 and 34 of the National Planning Policy Framework 2012. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

PRE-OCCUPATION: BIODIVERSITY

(11) Unless otherwise previously agreed in writing with the Local Planning Authority, and prior to occupation of the buildings, the development shall incorporate 3 bird bricks and 3 bat bricks into the built form of the school buildings so that net biodiversity gain is achieved on site. Bird bricks to be installed at eaves level on the northern elevation and bat bricks to be installed at eaves level on the southern elevation.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and paragraph 109 of the National Planning Policy Framework.

Other Conditions

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(12) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained 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 shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

CONDITION: UNEXPECTED CONTAMINATION

(13) In the event that unacceptable levels of risk, unexpected contamination or ground conditions are found when carrying out the approved development (except demolition works), that were not previously identified, expected or anticipated; they must be reported in writing immediately to the

Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to any or all of the following that apply:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;

- (iii) a remedial and preferred options appraisal.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site is suitable for use and will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, and ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONDITION: HOURS OF CONSTRUCTION AND DEMOLITION

(14) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way [including pre-application discussions] and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance. Index-linking may also apply.

INFORMATIVE: SURFACE WATER DRAINAGE

(3) This site is located within the Plymouth Critical Drainage Area. The information provided with the application indicates how an appropriate surface water drainage scheme could be achieved on site using infiltration drainage in line with our recommended standards. We consider that this is sufficient information for us to recommend a condition to cover the final detailed surface water drainage design on the site.

INFORMATIVE: NO DISTURBANCE TO BANK

(4) The applicant is advised that, with regard to condition 12, the retaining wall and bank in front of the kitchen, in the vicinity of the two trees, should not be disturbed in the course of the development.