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Planning Department
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27/03/2025

Submitted via Planning Portal PP-13902235

Dear Sir/Madam,

**Land to the East of Froghall Road and North of Ayr Road and Cheltenham Avenue (Phase 2)
Discharge of Condition 26, 27 & 40 Pursuant to Application SMD/2018/0180**

I am pleased to submit this application seeking to discharge Condition 26, 27 & 40 pursuant to Hybrid planning permission SMD/2018/0180 (the Hybrid Permission) at Land to the East of Froghall Road and North of Ayr Road and Cheltenham Avenue (the Site).

The condition forms part of the Hybrid permission, which includes full approval for Phase 1 and outline approval for Phase 2. Several conditions attached to the Hybrid permission relate to both Phases 1 and 2. This discharge of condition application relates to Phase 2 of the site. Phase 2 is the subject of a Reserved Matters application (SMD/2021/0780) that is yet to be approved

A S73 application (SMD/2021/0456) to amend the Hybrid permission was minded for approval by the Planning Applications Committee on 27th February 2025. However, no decision notice for this application has yet been submitted. The approval would amend conditions attached to the Hybrid permission, making those elements applicable to Phase 1 compliance conditions whilst still requiring the submission of documentation relating to Phase 2.

The intention was to wait for the S73 decision notice to be issued before submitting discharge of condition applications for Phase 2. However, due to the delays in issuing the decision notice and the need to ensure swift commencement of development once the Reserved Matters application is approved, we are submitting this application now. It is considered that, whilst the wording of the Hybrid conditions will be amended by the S73 application, the thrust of the conditions as they relate to Phase 2 will remain the same.

The application and accompanying documents have been submitted via the Planning Portal (ref. PP-13902235) on 27/03/2025 and comprise this covering letter, completed application forms and the documents listed below as they relate to each relevant condition.

CONDITION 26 (LEMP)

No phase of the development hereby permitted shall commence (including any site clearance, site stripping, site establishment, formation of new access, installation of any drainage infrastructure or groundworks) until a LEMP (Landscape and Ecological Management Plan) for that phase, together with the proposed relationship with



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adjacent phase(s), has been submitted to and approved in writing by the Local Planning Authority, giving details of the proposed creation, maintenance, management and development, including timescales and delivery mechanisms, for all landscaping and wildlife habitats and associated structures / features within the various public open spaces, ecological areas and structural landscape buffer strips for that phase. This shall include full and accurate locations of existing and any proposed new habitats; technical specifications, timescales and phasing for the creation of any new habitats; 5-year establishment and aftercare management prescriptions for any newly created habitats and a minimum 20-year maintenance and management operations for all habitats throughout the phase to be monitored and reviewed every 5 years for each phase. Following approval of such a management plan, the scheme for each phase shall be fully implemented in accordance with the details and timescales so approved.

The following documents have been submitted in order to satisfy the requirements of this condition:

- Landscape and Ecological Management Plan ref: 10903.001 V1 by TEP dated February 2025

The report satisfies part (a) of the condition and demonstrates that no remediation is required. Therefore, no remediation strategy would be required pursuant to part (b) of the condition.

Condition 27 (CEMP)

No phase of development shall commence (including any site clearance, site stripping, site establishment, formation of new access, installation of any drainage infrastructure or groundworks) until a CEMP (Construction Environmental Management Plan) for that phase, together with the proposed relationship with adjacent phase(s) has been submitted to and approved in writing by the Local Planning Authority. This must include:

- *Risk assessments of potentially damaging construction activities;*
- *Identification of biodiversity protection zones;*
- *Practical measures during construction to avoid or reduce impacts during construction (may be provided by method statements);*
- *The location and timing of sensitive works to avoid harm to biodiversity;*
- *No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development;*
- *Confirmation that there will be no clearance of trees, shrubs, tall ruderal or brambles between 31st March and 31st August inclusive unless a competent ecologist has undertaken a careful detailed check of vegetation for active birds nests, immediately before vegetation removal, and provided written confirmation that no birds will be harmed and / or appropriate methods are in place to protect nesting bird interests on site. Any such written confirmation required shall be submitted and approved in writing by Local Planning Authority before any clearance of trees, shrubs, tall ruderal or brambles is undertaken;*
- *Suitable methodology for the removal of Japanese Rose before any work is undertaken on the hedgerows;*
- *Lighting used during construction to minimise impacts on wildlife;*
- *Open excavations or pipes to be sealed at night. Ramps / planking to be installed to permit wildlife to escape being trapped in structures during construction;*
- *The role and responsibilities of an ecological clerk of works or similar competent person;*
- *Disposal of waste material on site; and,*



- *Use of protective fences, exclusion barriers and warning signs.*

The CEMP shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details for that phase.

The following documents have been submitted in order to satisfy the requirements of this condition:

- Construction Environmental Management Plan (CEMP) for Biodiversity ref: 10903.002 V1 by TEP dated February 2025

Condition 40 (Noise Impact)

No phase of the development hereby permitted shall commence, with the exception of site remediation works, until a site specific scheme for protecting the proposed residential units from noise has been submitted to and approved in writing by the Local Planning Authority for that phase. The submitted scheme shall have due regard to British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and shall be so designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dB LAeq in living areas and 55dB LAeq in outside living areas for that phase. A report containing all raw data and showing how calculations have been made shall be submitted to and approved in writing by the Local Planning Authority for each residential phase. All works within a phase of development shall be carried out in accordance with the approved scheme prior to any building or dwelling to which they relate being brought into first use and shall be maintained for those purposes at all times thereafter.

The following documents have been submitted in order to satisfy the requirements of this condition:

- Scheme of Noise Mitigation ref: P17-430-R-2v2 by Hepworth Acoustics dated March 2025

Summary

We trust the enclosed documentation is sufficient to allow the discharge of Conditions 26, 27 & 40. If you require any further information or clarification, please do not hesitate to contact me using the details below.

Yours Sincerely,

Abigail Wright
Persimmon Homes (North West) Ltd

