

AGENDA ITEM



Committee and date

Southern Planning Committee

17th December 2024

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

Application Number: 24/03787/FUL	Parish: Cleobury Mortimer Town Council
Proposal: Proposed 58 bedroom residential care accommodation, access, amenity space and associated works (Resubmission of 23/03056/FUL)	
Site Address: Cleobury Hills, High Street, Cleobury Mortimer, Shropshire, DY14 8DN	
Applicant: Mrs Juliet Briggs	
Case Officer: Louise Evans	email: Louise.m.evans@shropshire.gov.uk

Grid Ref: 366968 - 275752

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Recommendation:- Approval subject to the conditions set out in Appendix 1 and a section

106 agreement to recover the costs of administering a Traffic Regulation Order, with delegation to officers to refine or amend conditions and the detail of the section 106 as required.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the construction of a residential care home comprising 58 bedrooms with associated communal space, staff facilities and parking to be served by an existing access off the A4117 (High Street).
- 1.2 The proposed building is roughly L shaped and is two storeys in height on the higher, northern half of the site and three storeys where the ground level drops towards the site entrance. Some staff rooms are also proposed in the roof of the three-storey element of the building.
- 1.3 The development will be served by 22 car parking spaces within landscaped grounds.
- 1.4 Planning approval was granted by Shropshire Council for a 58 bedroom care home (ref 14/00690/FUL), which was built and then demolished in 2022 following findings that the building was not constructed in accordance with the required regulations.
- 1.5 A scheme for a care home comprising of 75 bedrooms was submitted (ref 23/03056/FUL) but was refused on three grounds, these being the impact to residential amenity, the lack of open space and parking concerns. However, this did relate to a larger scheme than that currently proposed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site lies within the town of Cleobury Mortimer and is located north of A4117 (High Street) on the western edge of the town.
- 2.2 The site occupies approximately 1.08 acres (0.44ha).
- 2.3 The site was previously the location of a disused light industrial unit prior to the construction and demolition of the previous care home.
- 2.4 The site is currently vacant. The previously approved and constructed access and parking court remains in situ, as do the approved boundary fences but all buildings have been completely demolished and the site cleared.
- 2.5 To the north is a public footpath with school playing fields beyond. The site slopes up towards the northern boundary.

2.6 A small portion of the south east corner of the site is in Cleobury Mortimer Conservation Area. The site is set back from the roadside to the rear of the existing buildings of No. 67, 68 and 69, High Street which are grade II listed dwellings that date to the 18th century.

2.7 There is an existing access onto the A4117 (High Street) opposite the entrance to Vaughan Road and the medical centre.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council has objected contrary to the Officer recommendation. The Area Manager in consultation with the chairman have considered this and have concluded that the application raises material planning issues and should be determined by Committee.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 **SC Highways:** The previous scheme provided a betterment in terms of the access and this access is now in situ. Setting back the fence is welcomed. Requested information on betterment and staffing levels (since received). Requested a S106 contribution for administration of a traffic regulation order for parking restrictions at the new entrance and the adjoining highway.

4.1.2 **SC Conservation:** The general form and bulk of the development is similar to that previously approved where no conservation objections were raised. The amendments to the design are not considered to raise any further objection in conservation terms.

4.1.3 **Shropshire Fire and Rescue Service:** It will be necessary to provide adequate access for emergency fire vehicles. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. The scheme will also require an adequate water supply for firefighting.

4.1.4 **SC Rights Of Way:** No comments.

4.1.5 **SC Ecology:** Suggested conditions for the provision of wildlife boxes and a lighting plan.

4.1.6 **SC Regulatory Services:** Suggested a construction management plan will be necessary to protect amenity during the construction phase. With regards to contaminated land, the previous reporting for the site cannot be relied upon and a condition has been suggested to require submission of a new risk assessment, remediation strategy and verification report to support the new scheme.

4.1.7 **SC Archaeology:** No comments in respect of archaeological matters.

4.1.8 **SC Drainage:** Suggested a condition for submission and approval of a surface water and foul drainage scheme and provided details of what it must contain.

4.2 Public Comments

4.2.1 **Cleobury Mortimer Town Council:** Objects on the grounds that the scheme will be overbearing on the townscape, it will overshadow nearby properties, the operational noise will impact existing residents, there is insufficient parking and there is a lack of green amenity space. Concerns are also raised with regards to the fire safety measures, surface water run off and land contamination.

4.2.2 **Cllr Gwilym Butler:** Concerned that the scheme is overdevelopment of the site and that the private amenity space of all neighbouring residential properties will be greatly challenged with the volume of windows directly looking into their properties. Also concerned that there is insufficient parking as Cleobury Mortimer has very little public transport and the Councillor does not believe that all the staff needs will be found within walking distance. This will result in staff having to park in local residential streets and car parks already under pressure.

4.2.3 Seven representations of objections have been received.

The grounds of objections are:

Overdevelopment: The building is more than twice the height of surrounding buildings. Future applications will see additional rooms being sited in the roofspace as detailed within the refused scheme.

Amenity: Significant concerns with overlooking and overshadowing. The site is split level. The building is 3 storeys on the lower ground but part of the two-storey element is on elevated land meaning the impacts are that of a three-storey building throughout. There is a lack of plans to demonstrate amenity. The residents have had the benefit of seeing the building constructed once and as such are acutely aware of the unacceptable impacts. Residents are concerned with the impacts of the scheme both at construction and the operational phase. Residents are also concerned that the unauthorised floodlights are still in situ from the previous scheme.

Lack of parking: Concerns raised with the validity of the information submitted with the application. The previous use did not operate at the level suggested. There are also concerns that there is no space for visitors to park which will lead to parking on an already busy main street. The suggestion that individuals will walk, cycle or use public transport to access the site is not believed.

Highway safety: The site will create a crossroads with a busy junction that serves a medical practice and residential estate. There is already congestion on the main street.

Contaminated Land: Concerns that this has not been dealt with adequately previously. The reports submitted with the application demonstrate this.

Flood risk: Concerns that the site has caused flooding to nearby uses previously

and won't be dealt with properly this time.

Lack of/Misleading information submitted with the application: The application has not fully detailed arrangement for waste collection.

Need: Suggested that the scheme will have little benefit to the Town and concerns raised that the need for the development has changed since the first time it was submitted but this has not been detailed within the submission.

- 4.2.4 One neutral representation has been received suggesting the provision of biodiversity enhancement.

5.0 THE MAIN ISSUES

- 5.1 Principle of Development
Design, Scale and Character
Built Heritage
Residential and Local Amenity Considerations
Highway Safety
Amenity Space and Landscaping
Ecological Considerations
Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 The proposed site for the care home is within the development boundary of Cleobury Mortimer. It is opposite a medical centre and within a 500m walk from the town centre and its services.

- 6.1.2 Core Strategy policy CS3 and SamDev policy S6 name Cleobury Mortimer as a Key Centre in Southern Shropshire and recognise that it will be the focus for meeting the sub-regions local needs and providing services for sustainable growth. Core Strategy policy CS11 supports the provision of specialist housing, including residential and extra care facilities in such locations.

- 6.1.3 The site is therefore acceptable in principle as a suitable location for a care home following the Council's adopted development plan.

6.2 Design, Scale and Character

- 6.2.1 Core Strategy policies CS6 and CS17 require development to protect and conserve the built, historic and natural environment and be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value.

- 6.2.2 The proposal is a single L shaped building on a split-level site, accommodating three storeys with staff facilities in the roof space on the lower parts of the site and

two storeys on the higher ground. The building will have a mixture of elevational treatments including white render, red/orange brick and green timber composite cladding. This mix of materials and the varying roof heights of the structure successfully break up the elevations and mitigate the overall massing of the structure.

- 6.2.3 The proposal would provide an attractive, modern building which would offer a suitable layout and standard of accommodation for the benefit of residents and staff. Subject to a condition to secure approval of final material choices, the proposal will successfully integrate into the local context in design terms.
- 6.2.4 The form of the building is almost identical to that which has previously been found to be acceptable by the planning authority. Nevertheless, there are concerns over the scale of the development which is discussed further below in relation to residential amenity, open space and car parking provision.

6.3 **Built Heritage**

- 6.3.1 SAMDev Plan policy MD13 requires that Shropshire's heritage assets are protected, conserved, sympathetically enhanced and restored.
- 6.3.2 A small part of the southeast corner of the site is in Cleobury Mortimer Conservation Area. The site is also to the rear of the existing buildings of No. 67, 68 and 69, High Street which are grade II listed dwellings that date to the 18th century.
- 6.3.3 The building sits behind existing houses fronting the A4117. Public views into the site will be largely through the access and from adjacent footpaths. The development will not be prominent or overbearing in the street scene and will not have a detrimental impact on the setting or character of the Conservation Area. Similarly, the proposal will not harm the settings of listed buildings within the vicinity of the site and no concerns are raised in this regard by the Council's Conservation Team.

6.4 **Residential and Local Amenity Considerations**

- 6.4.1 The site is bounded by existing residential development and seven letters of objection have been received expressing concerns about several amenity issues, including overlooking, overshadowing as well as the impact to amenity from both the construction and operational phases of development. Core Strategy Policy CS6 (Sustainable Design and Development Principles) states that development should safeguard residential and local amenity and SAMDev policy MD2 requires development to respond appropriately to the form and layout of existing development. Paragraph 2.15 of the Type and Affordability of Housing, Supplementary Planning Document (2012) states '*With newbuild, conversions and extensions to dwellings, the design, layout, parking, servicing and access should avoid detrimental impacts on neighbours, such as noise and disturbance, excessive traffic and overshadowing.*'

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- 6.4.2 The care home will introduce a residential use next to existing one and two storey residential dwellings that surround the site. The proposed scheme has been carefully designed to reduce the number of habitable windows directly facing adjoining residential properties. However, where this does occur, suitable separation distances of over 21 m have been designed in to ensure that unacceptable adverse impact from overlooking will not arise.
- 6.4.3 It is inevitable that there would be the potential for some degree of overlooking into the gardens of the nearest residential properties and some potential for disturbance during the operational phase of the development with residents using the external areas as well as the comings and goings of staff and suppliers. However, this would not be of any greater extent than would reasonably be expected to occur between residential properties in a suburban environment such as that in which the site is located and would not warrant the refusal of the application on such grounds.
- 6.4.4 Furthermore, concerns about the potential for disruption from the construction phase can be mitigated through a construction management plan which should form a condition of consent. Whilst it is recognised that neighbouring residents experienced disruption from the construction and demolition of the earlier care home and this is certainly regrettable, the conditions proposed will ensure that the planning authority has the mechanisms necessary to ensure that any breaches of the consent are enforceable, and this is a reasonable approach in the circumstances.
- 6.4.5 Overall, the proposal would not result in a material loss of amenity to an extent to cause demonstrable harm to the living conditions of occupants of nearby residential properties. As such, there would be no conflict with the provisions of Policy CS6 of the Core Strategy, Policy MD2 of the SAMDev or paragraph 2.15 of the Type and Affordability of Housing, Supplementary Planning Document (2012).
- 6.5 **Highway Safety**
- 6.5.1 Core Strategy policy CS6 requires that development is safe and accessible to all, whilst SAMDev policies MD2 and MD8 require schemes to demonstrate that there is either sufficient existing infrastructure capacity or measures to address a specific capacity shortfall which it has created.
- 6.5.2 The site will be accessed via the A4117(High Street). The access in situ was approved under the previous consent for the care home and considered to be appropriate to serve a 58 bed care home, the same as that now proposed. The current application will enable further improvements to the access with the removal of a section of fence that is currently restricting visibility. This can be controlled via planning condition.
- 6.5.3 The scheme proposes the provision of 22 car parking spaces whilst information submitted with the application suggests that there will be a maximum of 19 staff

members on site at anyone time. The previously approved scheme of the same scale of development secured 21 parking spaces. Shropshire Council does not have adopted parking standards but rather considers each application on its merits. Based on the information available, it would be difficult to sustain an argument that the scheme will result in a severe harm to highway safety because of a lack of parking, particularly considering its location within a key settlement.

6.5.4 The Highway Authority has suggested that a financial contribution is secured via a section 106 agreement to administer a Traffic Regulation Order which will facilitate the provision of parking restriction lines at the entrance and a section along the A4117. This will further allay concerns that the scheme will result in additional on-street parking to the detriment of highway safety.

6.5.5 Consequently, the proposal would not be materially detrimental to highway safety or the free flow of traffic on the local highway network. As such, there would be no conflict with Policy CS6 of the Core Strategy or policies MD2 and MD8 of the SAMDev plan.

6.6 Amenity Space and Landscaping

6.6.1 Under policy MD2, residential development should provide at least 30m² of open space per person. The scheme provides accommodation for 58 residents and as such would generate the need for 1,740sq.m of amenity space against this policy requirement. 1,464sq.m have been proposed with the scheme which is a similar level to that provided with the previously approved scheme (determined prior to policy MD2 being adopted).

6.6.2 Officers recognise that the scheme does provide opportunity for the external enjoyment of the residents and that, as stated in the DAS submitted with the application that '*Occupants of this form of specialised accommodation tend to spend considerable time indoors*' but that '*A comprehensive landscape design has been designed to ensure residents have pleasant, useable outdoor amenity space, a pleasant outlook from apartments and also help integrate the proposals into the surrounding environment.*' It is also recognised that there is a balance between providing sufficient onsite parking and the requirement for amenity space. Bearing all these matters in mind, the level of amenity space provided is appropriate to serve the proposed use and the landscaping proposals are also considered to be appropriate. A condition of consent will secure its implementation.

6.7 Ecological Considerations

6.7.1 The application form claims a 'de minimis' exemption from statutory Biodiversity Net Gain (BNG) on the basis that less than 25m² of on-site habitat would be affected by the development, and the Council's Ecology Team has not challenged this. It is also accepted that no protected or priority species or habitats would be affected, whilst ecological enhancements outside of BNG will be secured by condition in line with Core Strategy Policy CS17.

6.8 Other matters

6.8.1 It is recognised that concerns have also been raised regarding contaminated land, surface water drainage and fire safety. As noted within the consultation response from Shropshire Fire and Rescue Service, whilst it is useful to have consideration to fire safety requirements early on within the design process, they are ultimately a matter for Building Regulation approval stage.

6.8.2 With regards to contaminated land and surface water drainage, submission and approval of detailed schemes will form pre-commencement conditions of consent which is standard practice in the circumstances.

7.0 CONCLUSION

7.1 The proposal will provide a much needed care home in a sustainable location in the centre of Cleobury Mortimer. The siting, scale and design are acceptable and will enhance the appearance of the site without unacceptably affecting existing residential amenity.

7.2 Subject to the use of the suggested conditions and section 106 agreement, the scheme will result in a high quality and well considered development that accords with adopted planning policy.

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:
National Planning Policy Framework
National Planning Policy Guidance

Core Strategy and Saved Policies:
CS3 The Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing

CS13 Economic Development, Enterprise and Employment
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 – Sustainable Design
MD8 – Infrastructure Provision
MD12 – The Natural Environment
MD13 – The Historic Environment
Settlement S6 – Cleobury Mortimer

Cleobury Mortimer Neighbourhood Development Plan 2020-2038 (Adopted 2024)

Type and Affordability of Housing Supplementary Planning Guidance (2012)

RELEVANT PLANNING HISTORY:

14/00690/FUL Proposed 58 bedroom residential care accommodation, access, amenity space and associated works GRANT 26th November 2014

HEPRE/14/00136 Amendments to previously approved scheme LBCNRQ 18th August 2014

14/03774/AMP Non Material Amendment for planning permission 09/01972/FUL for the conversion of office to two dwellings GRANT 18th September 2014

17/01262/DIS Discharge of Conditions 3 (materials), 4 (access details) 5 (construction method statement) 6 (site investigation report) 7 (drainage) 8 (archaeology) and 9 (landscaping) for planning application number 14/00690/FUL DISAPP 8th November 2017

17/05193/AMP Non-material amendment to planning application number 14/00690/FUL GRANT 27th November 2017

18/01438/FUL Erection of a plant room with heating exchange units for ground source heat pump system GRANT 9th July 2018

20/04238/DIS Discharge of Conditions 10 (Walls/Fences/Hedges) and 11 (External Lighting) associated with planning application number 14/00690/FUL DISPAR 26th November 2020

21/03600/DEM Prior Approval under Schedule 2, Part 11 Class B of the Town and Country Planning (General Permitted Development) Order 2015 for the demolition of 61 bed Nursing Home complete with removal of all below ground foundations, retaining walls and services including removal of all hard and soft landscaping and car parking

Note: boundary fencing and walls to be retained. Fenced bin store to be retained. Access to site retained. PRQ 23rd August 2021

21/05132/DEM Application for Prior Approval under Schedule 2, Part 11 Class B of the Town and Country Planning (General Permitted Development) Order 2015 for the demolition of 61-bed nursing home; removal of below ground foundations, retaining walls, services and hard and soft landscaping; retention of car parking, access and boundary fencing/walls GRPCR 8th December 2021

23/03056/FUL Proposed 75 bedroom residential care accommodation, access, amenity space and associated works REFUSE 5th October 2023

24/03787/FUL Proposed 58 bedroom residential care accommodation, access, amenity space and associated works (Resubmission of 23/03056/FUL) PCO

11. Additional Information

AGENDA ITEM

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Cleobury Hills

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SKOVNRTDKQK00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Gwilym Butler
Cllr Simon Harris

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

STANDARD CONDITION(S)

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- Hours of working
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- any temporary lighting required for the construction phase

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. ' Risk assessment

a) No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK

guidance.

' Submission and implementation of remediation scheme

b) Where the approved risk assessment (required by condition a) above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

' Verification of remediation scheme

c) Following implementation and completion of the approved remediation scheme (required by condition b) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

' Unforeseen contamination

d) In the event that further contamination is found at any time when carrying out the approved development - that was not previously identified - it must be reported in writing immediately to the Local Planning Authority and no further development shall be carried out. Following this, an investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with the National Planning Policy Framework.

5. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be fully implemented before the development is first brought into use.

Reason: To ensure that the means of surface and foul water disposal are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of flooding beyond the site boundaries as a result of the development.

6. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

7. No development shall take place until the existing timber fence within the application site is set back from the A4117 highway in order to achieve a 60 metre visibility splay in a westerly direction from a 2.4 metre set back at the access junction in accordance with drawing number 25377-04-VIS, titled Proposed Western Visibility Improvements by DTA, Dated Nov 24. Nothing shall be erected, planted or allowed to grow within the application site area that would obstruct the newly formed visibility splay for the lifetime of the development.

Reason: In the interests of highway safety during the construction and operational phases of the development.

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

8. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon residential amenity for neighbouring residents or upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to neighbouring residents and to bats, which are European Protected Species.

9. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site prior to the first use of the development:
 - A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
 - A minimum of 3 swift bricks. Bricks should be positioned: 1) Out of direct sunlight; 2) At the highest possible position in the building's wall; 3) In clusters of at least three; 4) 50 to 100cm apart; 5) Not directly above windows; 6) With a clear flightpath to the entrance; and 7) North or east/west aspects preferred. (See

conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf.)

The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

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

10. The premises shall be used for residential care accommodation for the elderly and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to maintain control over the future use of the premises in order that the parking requirements and amenity issues of an alternative use can be assessed.

11. All hard and soft landscape works shall be carried out in accordance with the approved plan. The works shall be carried out prior to the occupation of any part of the development hereby approved. 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.

12. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

13. Demolition or construction works must not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on

AGENDA ITEM

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Cleobury Hills

Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.