AGENDA ITEM



Committee and date

25th February 2025

Development Management Report

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

Summary of Application

 Application Number:
 25/00171/COU
 Parish:
 Highley

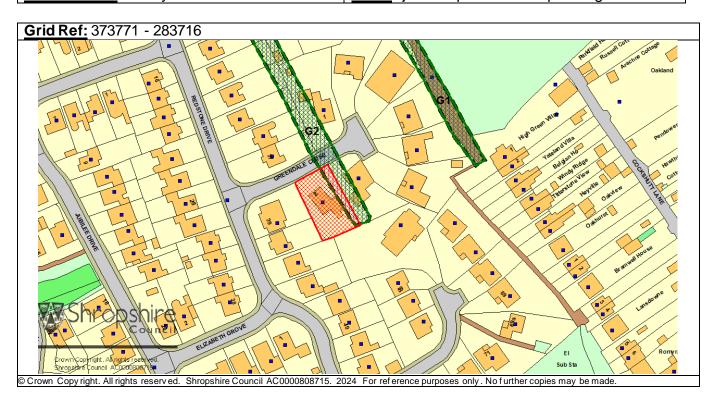
 Proposal:
 Change of use of building from C3 (dwelling house) to C2 (residential institution)

 Site Address:
 8 Greendale Close Highley Bridgnorth Shropshire WV16 6EG

 Applicant:
 Mr Meka Madumere

 Case Officer:
 Jenny Powell

 email:
 jennifer.powell@shropshire.gov.uk



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1. **REPORT**

8 Greendale Close

1.0 THE PROPOSAL

- 1.1 The proposed development is for the change of use of one single storey 3 bedroom detached dwellinghouse (Class C3) into a single residential care home for up to 2 no. children (Class C2) at 8 Greendale Close, Highley. This application has been made by Mr Meka Madumere, who is a director of both Living Life Care Ltd who will operate the care home and Turnstone Residential which owns it.
- 1.2 The proposal is to change the use of the existing dwelling into a care home. No operational development has been proposed. The existing dwelling is single storey and two children's bedrooms would be provided alongside a staff bedroom, which would also act as a manager's office during weekdays when the manager is present on site.
- 1.3 The business would employ three full time equivalent staff members alongside the two juvenile residents. The duties of two of the FTE employees would be undertaken in three teams of two working part-time shifts of 48 hours each (with a 2 days on and 4 days off pattern). A manager (one FTE member of staff) would be present on site most weekdays from 8am until 4pm. Occasional pre-organised visits from outside agencies, family etc would also take place.
- 1.4 The property has parking for 4 no. cars, with one proposed to be accommodated in the existing garage and three parked in tandem on the existing driveway. A pool car belonging to the business will be available for use by staff for the residents' needs, whilst staff parking would be provided for three staff (two carers and one manager) working on site at any given time.
- 1.5 Shift changeovers, the daily arrival and departure of the manager and occasional pre-organised visits by external agencies would result in a relatively small number of traffic movements occurring regularly across the week. Alongside this, the onsite pool car would also make regular trips to and from the premises. No additional parking beyond the four existing parking spaces would be provided on site.

2.0 SITE LOCATION/DESCRIPTION

2.1 8 Greendale Close is a detached 1970s brick and concrete-tiled bungalow situated on the southern side of a residential cul-de-sac to the western side of Highley. The cul-de-sac, which rises in elevation from west to east, sits within a larger residential estate of homes largely constructed in the 1970s and 80s. The application site is in a sustainable location and a short distance to the northwest is Highley Primary School, where younger residents would attend school, whilst other local amenities including a medical centre, shops and outdoor swimming pool are a short walk away.

- 25th February 2025

8 Greendale Close

Forming a boundary with the application site are (to its west) the rear gardens of 39 and 41 Redstone Drive (both two-storey redbrick, detached dwellings) which are separated from the application site by a close boarded timber fence and mature deciduous trees. Behind the application site's rear garden, to its south, is the large side/rear garden amenity of 61 Redstone Drive (a single storey detached dwelling) which is also screened by mature trees. To its east is 7 Greendale Close which sits on the same building line as number 8 and is a single storey detached dwelling facing north into the cul-de-sac towards the front elevation of 1 Greendale Close. A line of mature shrubs separates the two dwellings.

- 2.3
- 8 Greendale Close is positioned directly opposite the rear garden and side elevation of 37 Redstone Drive, a link detached two storey red brick dwelling, whose rear garden amenity is enclosed by a close boarded timber and concrete fence. The only window facing the application site is an upper storey window on the southern gable of 37 Redstone Drive. The ground floor windows of the application site and those of 1 Greendale Close uphill to the northeast may also provide some oblique intervisibility, however these windows are c.30m apart.
- 2.4 Part of the application site is covered by a historic group Tree Preservation Order (The Salop County Council (Highley) TPO 1973 (Ref: BR/TPO/15), on its eastern boundary. This is not determinative to the proposed change of use of the existing dwelling, and in any case most of the trees with this group have been taken down, probably as part of planning or TPO applications, though the Order itself has not been modified or revoked.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council objects to this application and the Local Ward Member has called it in to be discussed at the Southern Planning Committee. The application was duly discussed between the Interim Planning and Development Services Manager and the Chair on 5th February 2024 where it was resolved to present this application to Planning Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Developing Highways – 6th February 2025

The proposed development seeks change of use from residential dwelling to a care home for up to two children. The property is located in a short residential cul-desac. The traffic movements associated with this type of development are anticipated to be slightly greater than a residential dwelling. From a highways and transport perspective the main consideration is the level of off-street parking and suitability of the parking arrangements.

8 Greendale Close

While the existing parking arrangements may be accepted for a residential dwelling, it is considered that the layout would be unworkable for a care home with vehicles blocking each other in. The creation of a parking court across the whole site frontage may be more appropriate and would require an extended dropped kerb crossing; full engineering details of the new section of access driveway should be provided. The proposed site parking layout should be detailed on an annotated dimensioned scale drawing at an appropriate scale to demonstrate the number of parking spaces that can be accommodated on the site, and each parking space should measure 2.5 x 5 metres. The internal dimensions of the garage have not been provided and it is questioned whether it could be considered for use on daily basis. It is also not clear if a 'pool vehicle' will be required/available on site. In addition, further details of staffing are required, to include admin staff, gardeners, cleaning staff etc... All daily traffic movements should be included.

4.1.2 SC Regulatory Services – 29th January 2025

The nature of care homes can vary significantly depending on the specific circumstances of each individual resident. Environmental Protection has dealt with complaints where care homes have had an impact on the amenity of surrounding residential properties. Therefore, it is essential that suitable management measures are implemented to ensure that potential noise impacts are considered when placing clients into the care setting and in the management practices within the home. Given the proximity of neighbouring residents the company should have regard to those neighbours when determining suitable residents. I note the 'neighbour policy' in the application which acknowledges the need for neighbourly awareness, such a plan ought to control of shift change over times and staff conduct, assessment of care needs and the potential for these needs to impact on surrounding properties prior to placing clients within the care setting and general noise management procedures including a complaints procedure.

4.2 Public Comments

4.2.1 Highley Parish Council – 5th February 2025 – Objection

We are objecting due to the inaccurate and inconsistent information submitted on this application. Examples of which are as follows:

- Number of children in business plan and statement of purpose is different.
- The statement relates to different property "Elysium Lodge" which is based in Telford.
- The documentation references local council to be Telford and Wrekin and not Shropshire.
- States the property is currently NOT vacant and it is and has been for some time.
- The application states that no administration facility will be based at site although a manager's office is on the plans.
- The shift patterns show at least three changeovers plus additional specialist welfare staff, yet a further document states 2 days on and 4 days off rotas in contradiction to this.

- 25th February 2025

8 Greendale Close

- This could lead to a minimum of six cars at any one time up to a possible ten vehicles with only 3 car parking (the garage area is not functional due to an internal wall)
- This will lead to on-street parking causing issues in the narrow section of the cul-de-sac affecting other residents having refuge collections or oil deliveries (9 properties local have oil)
- Further inaccuracies state a dentist/taxi service within the village which is not the case
- Safeguarding issues surround the needs of the children claiming they will not house children with complex needs yet, the business plan states otherwise
- 4.2.2 32 public representations were received, with 31 objecting and 1 in support.

Objection comments

The main concerns of the objectors focussed on the following themes:

- Suitability of Location: Many contributors expressed concerns about the suitability of the location for a children's home, citing the quiet nature of the cul-de-sac and the lack of facilities to occupy the children's time.
- Privacy and Noise: There were significant privacy concerns due to the increased activity and noise levels that a children's home would bring to the neighbourhood.
- Safety: Safety concerns were raised regarding the proximity of the proposed children's home to a primary school and the potential for increased emergency services presence.
- Parking and Traffic: Numerous objections highlighted the inadequate parking facilities and the potential for increased traffic and vehicle movements, which could disrupt the neighbourhood and pose safety risks. There was additional concern expressed by one objector that the 125 bus service would cease on 31st March 2025.
- Community Consultation: Several contributors felt that there had been a lack of community consultation regarding the proposal, leaving residents feeling sidelined.
- Restrictive covenant: Many contributors referred to the existence of a restrictive covenant on the development site.
- Inaccuracies in submitted documents: Numerous objections referred to inaccuracies and inconsistencies in the submitted documents.

Supporting comments

A single supporting comment expressed the view that there appeared to be no problem with the proposal.

The public comments referred to above have been summarised for the purposes of this report using Al. Al can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate

8 Greendale Close

and that the use of AI is responsible and lawful." All original documents remain unaltered on the planning register should you wish to view them in full.

5.0 THE MAIN ISSUES

Principle of development Scale and design Residential amenity Highway safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. The National Planning Policy Framework (NPPF) is a material consideration for decision making.
- 6.1.2 The proposal is for a new C2 use in Highley that will provide a residential care home for children with behavioural, emotional and social difficulties as well as placement breakdowns, and which would also employ staff. It would be sited within the development boundary of the village with easy access to the existing transport network and local services. Highley is a Key Centre, and Policy CS3 recognises that settlements such as these provide facilities and services that support the rural hinterland and are foci for economic development and regeneration. Balanced housing and employment development of an appropriate scale and respecting local character is also expected to take place within such centres. Whilst some concern has been expressed that the existing residential area is not an appropriate location for a children's care home, Core Strategy policy CS11 supports the provision of housing for vulnerable people, as well as specialist housing including residential and extra care facilities in Key Centres settlements, and the location is therefore considered to be appropriate.
- 6.1.3 The dwelling already benefits from a Certificate of Lawful Proposed Use or Development granted in December 2024 (ref. 24/04746/CPL) confirming that its use as dwellinghouse in C3b use (as a single household of not more than 6 residents where care is provided) would be lawful. Whilst a material change of use would occur in granting permission for the change from C3 (dwellinghouse) to C2 (residential institution) use, the numbers of children and staff proposed to be residing within the home at any given time (five individuals) would be no more than would currently be lawful under C3b (six individuals), and a restriction on the number of children resident within the home could be conditioned accordingly.
- 6.1.4 It is acknowledged that the proposal would result in the loss of one residential dwelling in C3 use, however this must be balanced against the fact that the proposal would contribute to meeting national and local planning policies to support

8 Greendale Close

the delivery of specialist supported housing in line with CS11 and Paragraph 63 of the NPPF. As such the principle of a care facility in this location would comply with policy and is appropriate sustainable development in this location.

6.1.5 Some representations have raised concerns regarding the matter of an existing restrictive covenant on the 8 Greendale Close. Covenants are outside the remit of planning and are a matter for the applicant to take up with a solicitor. The existence of a legal covenant would not form a material planning consideration in the determination of the application, which must solely be considered on its planning merits.

6.2 Scale and design

- 6.2.1 The NPPF is clear at Paragraph 131 that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Policies CS6 (Sustainable Design and Development Principles) and MD2 (Managing Sustainable Development), set out local considerations for design including taking account of the local character and context, and this extends to the health and wellbeing of communities including safeguarding residential and local amenity.
- 6.2.2 The scale and design of the proposed care home will remain as existing as the proposal is solely for a change of use with no associated operational development. There is existing parking provision on site is for up to four vehicles, albeit the space available within the existing garage is limited (yet would accommodate a small hatchback car). It is questionable whether the garage would be used in practice, and given the proposal requires parking for a pool car belonging to the care home alongside three further staff cars (to be parked in tandem on the existing driveway) there is some concern that parking could overflow onto the cul-de-sac, negatively impacting the existing streetscene and local amenity.
- 6.2.3 The details for the C2 use proposed indicate that staff changeovers, comings and goings would take place for short relatively brief periods of time on occasions throughout the week. This would not be significantly different to the situation of any family home where several cars were parked in tandem on a driveway and the occupants came and went as part of their daily lives. The design of the existing internal arrangement is considered adequate for the type and level of care being proposed and there is ample private garden amenity space for the 2 children resident. Officers therefore consider the development accords with local and national policy in terms of scale and design, albeit the current parking arrangements could be improved upon.

6.3 **Residential Amenity**

6.3.1 Policy CS6 of the Core Strategy and Policy MD2 of SAMDev indicates that development should safeguard residential and local amenity.

The proposed use of a single dwelling as the main residence for 2 children (as stated on the application form) shares many similarities to the workings of the existing family dwellings adjacent to the site. The premises will be home to 2 children between the ages of 7 and 17 supported by 3 FTE staff members. The duties of two of the FTE employees would be undertaken in three teams of two (one senior and one support worker) organised into three shift patterns with employees working 'two days on/ four days off'. Senior staff shift changeovers would take place between 7.30-8.00am every other day throughout the week with support staff handovers taking place between 10-10.30am on these days. Each support worker would spend a minimum of 48 hours on shift, including sleep-in arrangements. A manager (making up1 FTE member of staff) would be present on site most weekdays from 8am until 4pm (except when working from home or at meetings elsewhere) and would also be on call at weekends.

6.3.4

It is intended that the daily operation of the home will be largely undiscernible to that of an average sized dwelling house with the young people coming and going for education purposes and the adults coming and going for work purposes and thus, will not prejudice or undermine the existing surrounding uses. The applicant has submitted a good neighbour policy document to support the application in addition to a statement of purpose, information on shift patterns and a location risk assessment.

6.3.5

All public representations submitted with this application have been assessed and the concerns have been noted regarding inconsistencies in the submitted documents particularly with regard to the name of the proposed premises (Elysian Lodge vs Greendale Lodge) and the name of the business operating the care home). It is important to state that the premises will be a new care home that has not yet been registered with Ofsted, and they would be responsible for addressing these matters. Significantly the children that will be placed in the proposed care home will first need to be assessed by Shropshire Council Children's Social Services.

6.3.6

The comments of the Regulatory Services Officer have also been noted but the significant issue is that the dwelling is not yet being used as a care home and officers cannot prejudge the conduct of its occupants. If there were future issues of noise and anti-social behaviour arising from the occupants, then these matters would be dealt with by Regulatory Services as would be the case for the occupants of any other residential dwelling or any care home. Likewise, if there was any future cause for members of the emergency services to attend the premises then this would be a matter for those agencies at that time and is not a determinative consideration in this case.

6.3.7

Therefore, in relation to this application, it is the proposed use of the dwelling that is under consideration, not its occupants, and although concerns have been raised about the suitability of the site and close proximity of neighbours, the selection of the residents has not yet been undertaken. Potential concerns about future noise

8 Greendale Close

disturbance arising as a consequence of the change of use to an operational care home for children must be taken in context, given that adjacent properties could equally be sold as off as ordinary family homes and occupied by residents who could also have children, without there being any requirement for consideration of who the occupants would be by external bodies.

6.3.8

Having regard to all the issues raised above including the detailed objections raised by the neighbours and given that the proposed children's background is not considered is unlikely to raise amenity issues discernible from any children living as part of a household (especially as the professional carers would seek to minimise any disturbance as outlined in the risk assessment and good neighbour policy), it is considered that the proposal is unlikely to negatively impact the surrounding neighbours' amenities, and were issues to be raised in the future, these would be appropriately managed by the applicant. As the impacts have been assessed based on the levels of occupation proposed, it is considered appropriate to limit the consent to 2no. children maximum.

6.4

6.4.1 Highway safety

Policy CS7 deals with Communications and Transport, and states sustainable development requires the maintenance and improvement of integrated, accessible, attractive, safe and reliable communication and transport infrastructure and services, whilst policy CS6 requires all development proposals to be designed to be adaptable, safe and accessible to all, and to include appropriate car parking provision.

6.4.2

The comments of the Highway Authority are noted, and whilst they do not expressly object to the application, they confirm the existing parking arrangements would be acceptable for a domestic dwelling but question the practicality of the tandem parking arrangements for the proposed C2 use. Scaled drawings already provided by the applicant show that each tandem parking space meets the 2.5m x 5m dimension required by the Highways Authority, and the existing garage, whilst small, is of a sufficient size to accommodate a small modern hatchback car, although it is conceivable the garage may not be used in this way in practice.

6.4.3

Therefore, whilst parking for four vehicles can be accommodated on site, this layout would not be optimal for the business use proposed, and the reliance on excessive tandem parking would potentially result in excessive rearranging of vehicles during periods of shift changeover and when accessing the care home's pool car. The matter of parking arrangements is not considered insurmountable in the determination of the application, however. The front garden amenity of the dwelling is sufficient in area to accommodate two parking spaces, and an appropriate revised parking layout could be secured by condition prior to the occupation of the premises to alleviate the current reliance on excessive tandem parking or indeed could be implemented as permitted development prior to the C2 use commencing.

8 Greendale Close

The level of traffic associated with the development is unlikely to differ significantly from that of an existing residential dwelling as the comings and goings of staff and of visitors. For example, a similar dwelling of this size occupied by a family of four with young adult drivers still living at home alongside their parents might conceivably have three or more cars parked on site at any given time (all as part of a normal C3 use) and its occupants would similarly have to move cars in order to access their respective vehicles.

6.4.5

The Highways Officer's comment regarding whether any additional occasional members (i.e., gardeners or cleaners) may be employed at the proposed care home is noted but is not considered essential to the consideration of the change of use as these would constitute visitors to the home. Shift changes for permanent staff are proposed to take place at appropriate times across the week and subject to revisions being made to the on-site parking provision, would cause limited disruption to the existing highway network and to neighbour amenity.

6.4.6

It is noted that the 125-bus route between Stourbridge and Bridgnorth runs six days a week and stops in Highley at hourly intervals between 6.53am and 6.28pm and would be available for use by the residents and staff attending the proposed premises alike, although this service is understood to be out to tender at the present time by Shropshire Council, as the current operator intends to cease the route from 31st March 2025. In spite of this uncertainty, he proposed care home would be situated in a sustainable, Key Centre location that is intended to facilitate local economic development in line with Policy CS3, and it would not be unreasonable to anticipate that some staff members may potentially be existing residents of Highley who could travel to the premises on foot, or by bus if from further afield subject to the service being maintained.

6.4.7

Accordingly, the development would not have a significant detrimental impact upon the surrounding occupiers or highways safety and is deemed to comply with local and national policy in this regard, subject to a condition being imposed to revise the existing parking arrangements prior to the care home's occupation.

7.0 CONCLUSION

- 7.1 The change of use from a C3 dwellinghouse to a C2 children's care home for two residents with two FTE live-in carers working on a rota basis alongside a manager would meet national and local planning policies by supporting the delivery of specialist supported housing. Taking in account the size of the detached dwelling, the size of its curtilage and the context of the site, it is an appropriate location for the purpose proposed.
- 7.2 Subject to revisions to parking arrangements, the small scale of the children's care home would not give rise to a level of activity nor an increase in vehicle movements which would have a significant detrimental impact upon the surrounding occupiers' amenity or on highways safety. Having considered the objectors' comments and the history of the site, along with the information submitted by the applicant, the

8 Greendale Close

proposal is considered to be acceptable and therefore on balance, the proposal can be recommended for approval.

Suggested conditions will seek to restrict the numbers of residents aged between 7.3 7-17 within the home at any given time to two and limit the use for no other purpose including any other purpose in Class C2, as well as requiring a revised car parking layout to be submitted and installed to the satisfaction of the Local Planning Authority.

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.

8 Greendale Close

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: NPPF

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

CS13 - Economic Development, Enterprise and Employment

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD4 - Managing Employment Development

Settlement: S9: Highley

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

24/04746/CPL Certificate of lawfulness for proposed change of use from dwelling house (Use Class C3) to supported living dwelling (Use Class C3b) LA 19th December 2024

AGENDA ITEM

- 25th February 2025

8 Greendale Close

11. Additional Information

<u>View details online</u>: http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SQ8Y7GTDMVN00

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 Mark Williams

Appendices

APPENDIX 1 - Conditions

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- 25th February 2025

8 Greendale Close

APPENDIX 1

Conditions

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 PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. Notwithstanding the parking details contained within the block plan of the approved scheme, no occupation of the dwelling as a care home shall take place until a revised car parking layout demonstrating a minimum of 4 no. parking spaces shall be provided to and approved in writing by the LPA, installed as per the approved document prior to occupation and retained in perpetuity.

Reason: In the interests of highways safety and the amenities of the area.

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

4. The premises shall be used as a children's care home and restricted to the care of a maximum of 2 young people aged 7-17 inclusive at any one time 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 restrict the use of the premises in the interest of the amenities of the area.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Location Plan	000.001	20.01.2025
Block Plan	010.000	04.02.2025
Mixed/Combined Plans	130.000	20.01.2025
Floor Plan - Proposed	120.000	20.01.2025