

AGENDA ITEM



Committee and date
Northern Planning Committee

Development Management Report

Responsible Officer: Tim Collard – Service director Legal and Governance

Summary of Application

Application Number: 24/04742/VAR	Parish:	Shrewsbury Town Council
Proposal: Variation of conditions attached to planning permission ref no. 22/03877/FUL to permit (i) an alternative Care Home Development in lieu of the previously approved Care Home Development and (ii) an amended single-storey Retail/Leisure building in lieu of the previously approved two-storey Retail/Leisure building		
Site Address: Proposed Commercial Development Land to the south of Hazledine Way Shrewsbury Shropshire		
Applicant: Alistair Wood		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 349286 - 310660
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REPORT

Recommendation: That delegated authority is given to the Planning Services Manager to grant planning permission subject to the conditions listed in Appendix 1 and to any modifications to those conditions considered necessary.

1.0 THE PROPOSAL

1.1 Planning permission for a mixed-use development including retail units, gym, drive-through coffee shop, drive-through restaurant, tanning and beauty salon, and residential care home together with access, parking, landscaping and associated infrastructure was granted in August 2023 (ref. 22/03877/FUL). The permission has not yet been implemented. The current application seeks to amend the approved plans. The approved scheme provides for the retail elements on the western side of the site, and the care home on the eastern side. This overall layout is not proposed to be changed. The main elements of the proposed changes are as follows:

1.2 Mixed retail and leisure development:

- Omission of the first floor of the two-storey mixed retail and leisure building, so that it is single storey only;
- Alterations to the elevations and roof, and reconfiguration of the ground floor plan;
- Re-design of pedestrian and cycle access to the west;
- Minor alterations to the car park layout.

1.3 Care home development

- Re-design of the care home, reducing its footprint by approximately 31%, and the number of bedrooms from 80 to 66.

1.4 Other proposed modifications to the approved plans include additional and revised landscaping.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located on a parcel of land between Hazledine Way and Oteley Road in the Meole Brace area of Shrewsbury. Those two roads form the northern, western and southern boundaries of the site. To the east is the Bannantynes Health Club and Spa. Further afield to the north and east is the Meole Brace Golf Course; to the south is the Meole Brace Retail Park; and to the west is a roundabout beyond which the land is in residential use. The site currently comprises an area of grassland with hedgerow around its boundaries, extending to an area of approximately 1.6 hectares. The site was previously used as a "pitch and putt" course associated with the adjacent Golf Club. That use ceased in 2019.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposal is on land which is owned by Shropshire Council and relates to development which is not in line with the Council's statutory functions. Under the Council's scheme of delegation such applications are required to be determined by Planning Committee.

4.0 Community Representations

4.1 -Consultee Comments

- 4.1.1 **Shrewsbury Town Council** No response.

- 4.1.2 **SC Regulatory Services** No objection.

Having reviewed all available documentation, including risk assessments and mine gas monitoring carried out on the western phase of this development (directly adjacent to the proposed care home), Environmental Protection can now recommend condition 4, relating to Mine Gas Risk in the EASTERN phase of the site (care home), can be removed.

Recommendations with regard to basic radon protection, whilst not conditioned, should be followed to protect future site users. In addition, whilst Environmental Protection agrees no remediation is required, the preparatory works recommendations should be followed.

- 4.1.3 **SC Ecology** No objection.

- 4.1.4 **SC Trees** No objection.

- 4.1.5 **SC Highways** No objection.

The applicant has submitted two Highway technical notes that have sought to demonstrate the overall impact on the surrounding highway network will not be significantly different from the permitted development. In consideration that the application seeks to reduce the overall number of beds and changes to the retail building, it may reduce in an overall reduction in trips associated with the development. On this basis, Shropshire Council as Local Highway Authority raises no objection to the granting of consent in relation to the proposed variation application, on the assumption that all previously recommended highway planning conditions are attached to the proposed variation.

In terms of parking within the proposed care home, the number of car parking spaces per bed has been reduced. Whilst the preference from a highway perspective would be to maintain the ratio of parking spaces per bed, it is not considered that this is a reason for objecting to the application. Swept path analysis has been submitted in

relation to the internal layout, it is considered that the interval layout is capable of accommodating large vehicles, however does not provide opportunities for two way flow. It is therefore recommended that the exit out of the site on to Hazeldine Way is constructed at the earliest opportunity.

4.1.6 SC Drainage No objections.

The proposals are unlikely to significantly increase flood risk and therefore are acceptable. The submitted email regarding drainage details, drainage strategy and drainage strategy with supporting documents are acknowledged. The LLFA acknowledges and appreciates the efforts made to pursue a successful soakaway strategy for this site.

4.1.7 Sport England No specific comments.

The proposed development does not fall within either our statutory remit or non-statutory remit and therefore no detailed response is made.

4.1.8 Shropshire Playing Fields Association No comments made.

4.2. -Public Comments

4.2.1 The application has been advertised by site notice, and also in the local press, as a variation to a major development. No public representations have been received.

5.0 THE MAIN ISSUES

- 5.1
- Principle of development; planning policy
 - Design, scale and character
 - Residential and local amenity considerations
 - Highways and access considerations
 - Ecology issues
 - Water resources and pollution issues
 - Planning balance

6.0 OFFICER APPRAISAL

6.1 Principle of development; planning policy

6.1.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The National Planning Policy Framework (NPPF) and national planning practice guidance are material planning considerations.

6.1.2 As noted above, planning permission for the commercial development and care home has already been granted. This has established the principle of the development of this site for those uses. The current application seeks to vary the design and layout of the approved development, and therefore matters of principle are not significant

considerations. Nevertheless, relevant considerations are discussed below.

6.1.3 Care home - capacity: Core Strategy policy CS11 supports the provision of specialist housing, including residential and extra care facilities, in appropriate locations where there is an identified need. The NPPF includes policy to significantly boost the supply of homes and recognises the importance of meeting the specific housing needs of certain groups including the elderly. National planning practice guidance on Housing for older and disabled people states that “the need to provide housing for older people is critical”. The proposed modifications to the care home would result in fewer bedrooms and therefore a smaller supply of units. The revised proposals would nevertheless provide a significant number of specialist care units and include both general purpose residential care and more specialist dementia care. Officers do not consider that the reduction in the number of units is a significant issue.

6.1.4 Redevelopment of former pitch and putt site: The application site was formerly in use as a ‘pitch and putt’ golfing site in connection with the adjacent 12-hole golf course. In relation to the application that was submitted for the construction of the mixed-use, it was accepted that the pitch and putt site was surplus to requirements. On this basis, the loss of this open space was justified in relation to national planning policy, specifically para. 104. The committee report also noted that the Council had committed to investing in improvement works to the adjacent golf course as part of the disposal of the pitch and putt asset. In addition, the current proposal would continue to provide a gym as part of the commercial element. It is not considered that further mitigation is required as part of the current application.

6.2 Design, scale and character

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed.

6.2.2 Care home: The revised care home design would retain the three storey scale, but it would cover a smaller footprint, reflecting the reduction in the number of bedrooms. The external materials would include a mix of cream and red brick. The design, similar to that approved, includes stepped facades to help to break up the elevations. The proposed flat roofs would minimise the overall massing and facilitate the provision of solar pv panels. The bedrooms would be a minimum of 14.6m² with en-suite facilities; understood to be in excess of standards which require 12m².

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6.2.3 A visual representation of the approved design and the proposed revised design is below:

6.2.4 Currently approved care home design:



6.2.5 Proposed revised care home design:



6.2.6 Overall, officers are of the view that the revised design is appropriate in scale and design taking account of the building's purpose and its local context.

6.2.7 Retail and gym; drive-through units: The currently approved scheme includes a two storey building with retail units on the ground floor and a gym on the first floor. It is now proposed to provide the retail and gym units within a single storey building. As a

consequence of this there would be changes to the elevations and layout of the building. Clearly the proposed modifications would reduce the massing of the building, and its appearance. However officers have no concerns over the changes proposed. There would be other, relatively minor changes to the overall layout, including a re-design of the pedestrian and cyclist entrance to improve accessibility. It is not considered that these raise any significant issues.

- 6.2.8 Trees: A tree protection plan and landscaping scheme was agreed as part of the existing planning permission. The applicant has advised that revisions to these plans are proposed in order to provide easements for both drainage and electricity to the site. It is apparent that some tree removal has already been undertaken at the site. The applicant has submitted revised plans to show where additional planting is proposed to be undertaken, to enhance the area in the longer term. This includes both tree planting and hedgerow planting. In principle officers consider that this would provide an appropriate level of mitigation, and detailed specifications can be agreed as part of a revised planning condition.
- 6.2.9 Open space: In relation to open space provision, SAMDev Plan policy MD2 seeks the provision of adequate open space of at least 30m² per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi-natural landscape features. It states that for developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space.
- 6.2.10 The revised care home design includes a variety of outdoor spaces for residents and staff, linked by paths. These would allow opportunities for walking, sitting, outdoor eating, events and gardening, and include landscaped areas. In total this would significantly exceed the levels indicated by policy MD2. The overall layout is as shown below.



6.2.11 It is considered that the open space proposed is satisfactory in terms of quality and quantity as sought under this policy.

6.2.12 Sustainability considerations: The submitted Sustainability Statement and Strategy documents include the following which are to be incorporated in the design and layout:

- The sustainable location of the site, in an area well-served by public transport and pedestrian and cycle routes;
- Use of infiltration drainage for surface water to avoid piped discharge; foul drainage to connect to the public sewer system
- Landscaping scheme and ecological enhancements for biodiversity benefit;
- Use of renewable on-site energy sources with roof-mounted solar pv panels on the care home to generate 80-90% of the its electrical energy requirements
- Ground source heat pump system to provide all of the care home's heating and hot water, and use of low energy lighting and occupancy sensors
- Provision of electric vehicle charging points and cycle stands and shelters.

In relation to the commercial units the Sustainability Strategy states that the retail proposal at this stage is being provided as "shell only" and therefore renewable options may be taken forward by individual tenants. Overall, the proposal would be of an acceptable quality in terms of sustainable design principles.

6.3 Residential and local amenity considerations

6.3.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity. The proposed amendments to the approved scheme would not result in

greater impacts on residential amenity than the permitted scheme, and the proposal is therefore considered to be acceptable in relation to these matters.

6.4 Highways and access considerations

6.4.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The proposed reduction in the number of bedspaces in the care home, and the reduction in the scale of the retail elements, is likely to result in fewer vehicle movements to the site compared the approved scheme. The number of car parking spaces at the care home has been reduced in proportion to its reduced size. No changes are proposed to the previously-approved access and egress arrangements. These would continue to allow in/out movements to/from Oteley Road and left-turn exit movements onto Hazledine Way. For the care home there would be 25 car parking spaces, including two disabled spaces and six spaces with electric vehicle charging. There would be a cycle shelter providing storage for 8 cycles, an increase over that provided in the approved scheme. No objections are raised by the Council's Highways Officer and it is concluded that there are no significant highways issues with the application. The highways-related conditions on the existing planning permission can be re-imposed on any new permission where relevant.

6.4.2 Pedestrian and cycle access: The revised layout plans continue to provide for dedicated pedestrian and cycle access to the commercial units from the western side of the site. This would connect the site to the existing pedestrian and cycle routes in the area. The current application raises no significant issues in this respect in relation to pedestrian and cycle access.

6.4.3 Travel Plan: The existing planning permission requires that the Travel Plan for the care home is adhered to, and that a Travel Plan for the commercial element of the development is submitted for approval. These requirements can be applied to any permission granted for the modified proposal.

6.4.4 Access for Town Council maintenance vehicles: The dedicated access track to the rear of the care home for the use of the Town Council's maintenance vehicles has been retained as part of the revised designs.

6.5 Ecology issues

6.5.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets.

6.5.2 The proposed modifications to the approved plans would not result in any significant issues in respect of ecology matters, and the planning conditions that were included

on the existing permission for ecological protection can be added to any new planning permission.

6.6 Water resource and pollution issues

6.6.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water. Following investigations into the drainage system in the area, the Council's drainage team have confirmed that the proposed drainage strategy for the development is acceptable.

7.0 Conclusion

The proposed modifications to the approved layout and design of the mixed use development which includes retail units, a gym, and a care home would include a reduction in the size of the care home and the provision of a single-storey retail unit instead of a two-storey one; along with other site layout alterations. The proposals do not raise any significant additional planning issues, and officers consider that the proposed changes to the approved plans are acceptable in relation to Development Plan and national planning policy. The conditions on the original planning permission which control how the development is constructed and operated can be included on the new planning permission. It is recommended that planning permission for a variation to the approved plans is granted, subject to the conditions in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

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 - written representations, a hearing or inquiry.
- The decision is 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 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.

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.

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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment

Relevant Planning History:

22/03877/FUL Mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home

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(use class C2) together with access, parking, landscaping and associated infrastructure

GRANT 17th August 2023

24/01615/DIS Discharge of Conditions 3 (Drainage), 4 (Coal Mining Assessment), 6a (Access Details), 8 (CEM Plan), 9 (Landscaping) and 11 (Air Ventilation and Extraction) of planning permission 22/03877/FUL DISPAR 12th February 2025

24/04694/DIS Discharge of condition 5 (External Materials) 7 (CMS) attached to planning permission 22/03877/FUL Mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home (use class C2) together with access, parking, landscaping and associated infrastructure DISAPP 12th February 2025

25/01208/DIS Discharge of Condition 3 (Drainage) of planning permission 22/03877/FUL DISAPP 15th April 2025

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SOLP7HTDMBV00>

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 David Walker

Local Member
Cllr Vicky Moore

Appendices
APPENDIX 1 - Conditions

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STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission reference 22/03877/FUL i.e. prior to 17 August 2026.

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. (1) No development within Phase 1 of the development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan for this phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for: i) Compliance with legal consents relating to nature conservation; ii) Compliance with planning conditions relating to nature conservation; iii) Installation of physical protection measures during construction; iv) Implementation of sensitive working practices during construction; v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and vi) Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan for Phase 1 of the development.

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(2) All construction activities on Phase 2 of the development shall be implemented strictly in accordance with the Construction Environmental Management Plan approved under 24/01615/DIS.

All construction activities shall be implemented strictly in accordance with the approved plan for Phase 2 of the development.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

4. a) Prior to the commencement of development of Phase 1 (Care Home), full engineering details of the Oteley Road slip road access and egress shall be submitted to and approved in writing by the Local Planning Authority. The Care Home shall not be occupied until the approved Oteley Road access and egress for the Care Home has been constructed fully in accordance with the approved scheme.

b) Phase 2 of the development shall be carried out in accordance with the engineering details of the egress onto Hazledine Way, and the Oteley Road slip road access and the pedestrian and cycle access at the western side of the site as shown on approved drawing Block Plan As Proposed no. BR-02 rev C. Phase 2 of the development shall not be brought into use until these approved accesses and egress have been fully constructed.

Reason: To provide adequate means of access and egress from the site and in the interest of highway safety

5. a) Prior to commencement of the development of Phase 1, a Construction Method Statement, including details of construction traffic management and the phasing of road construction shall be submitted to and approved in writing by the Local Planning Authority.

b) Prior to commencement of the development of Phase 2, a Construction Method Statement, including details of construction traffic management and the phasing of road construction shall be submitted to and approved in writing by the Local Planning Authority.

The Construction Method Statements and approved Phasing Plan shall be implemented fully in accordance with the approved details.

Reason: To ensure the coordinated construction of the development and to mitigate the impact of the construction of the development site in the interests of highway and pedestrian safety.

6. (a) Phase 1 of the development shall be carried out in accordance with the approved detailed landscaping plans hereby approved.

(b) No development shall take place within Phase 2 (including demolition, ground works and vegetation clearance) until a landscaping plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

i) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. hibernacula, hedgehog-friendly gravel boards and amphibian-friendly gully pots, bat and bird boxes; ii) Written specifications for establishment of planting and habitat creation; iii) Schedules

of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; iv) Implementation timetables

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved for each phase.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

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

7. Prior to the above ground works commencing on each phase, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls of all buildings on that phase 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 for each phase.

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

8. Prior to the commencement of each phase the development a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing and ground protection measures at pre-commencement stage and throughout the construction period for that phase as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures in that phase.

Reason: To safeguard the amenities of the local area by protecting trees.

9. a) No above ground development shall take place on Phase 1 of the development until a scheme for the air ventilation and extraction system together with details of treatment and dispersal of fumes and odours for that phase has been submitted to and approved in writing by the Local Planning Authority.

(b) Phase 2 of the development shall be carried out in accordance with the air ventilation and extraction system as approved under Application ref. 24/01615/DIS.

c) The approved schemes shall be implemented in full, prior to the use commencing on each phase and shall thereafter be maintained.

Reason: To protect the amenities of occupiers of adjacent land from potential smell nuisance. The information is required prior to the commencement of the development to ensure that any extraction equipment required is provided within the development from the commencement for the reasons given above.

10. Prior to the first use of the retail, leisure and drive-through facilities within Phase 2 of the development, details of proposed pedestrian and cycle paths at the site shall be submitted to

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and approved in writing by the local planning authority, and the approved details shall have been completed.

Reason: To ensure satisfactory connectivity and safe routes to and from and within the site for pedestrians and cyclists.

11. Prior to the first use of each phase of the development hereby permitted details of the location, specification and appearance of all fencing and gates to be erected at the site shall be submitted to and approved in writing by the local planning authority. The fencing and gates shall be erected in accordance with the approved plans for each phase.

Reason: To control the appearance of the development in the interests of maintaining the visual character of the area.

12. Prior to the erection of any external lighting within each phase on the site, a lighting plan for that phase 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 ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. 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 bats, which are European Protected Species.

13. Prior to first occupation / use of the building[s] within each phase, the makes, models and locations of bat and bird boxes for that phase shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 20 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design). The boxes shall be sited in suitable locations, with a clear flight path where appropriate and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

For swift boxes: Boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred. (See <https://www.swiftconservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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

14. Prior to the retail, leisure and drive-through facilities being first brought into use/open to trading, a Travel Plan shall be submitted to and approved in writing by the Local Planning

Authority. The approved Travel Plan shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development.
Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

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

15. Other than trees T21, T22, T23 and T24 as shown on the ArbTech drawing no. AIA 01 which was approved under planning permission ref. 22/03877/FUL, no trees shall be cut down or removed from the site. All trees which are to be retained shall be protected in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site for each phase, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development for each phase and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

16. Phase 1 of the development shall be carried out in accordance with the foul and surface water drainage scheme hereby approved. Phase 2 of the development shall be carried out in accordance with the foul and surface water drainage scheme approved under application ref. 25/01208/DIS.

The approved scheme for each phase shall be fully implemented before the associated phase of the development is occupied/brought into use (whichever is the sooner).

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

17. Prior to each phase of the development hereby permitted being first brought into use/open to trading, the car parking areas and internal road layout infrastructure for that phase shall be surfaced and laid out fully in accordance with the approved drawings.

Reason: To ensure the coordinated delivery of the internal infrastructure to serve the development.

18. a) Phase 1 of the development shall be carried out in accordance with the Mine Gas Risk Assessment hereby approved.

b) Phase 2 of the development shall be carried out in accordance with the Mine Gas Risk Assessment, ref. AJM/31863 dated 20/6/23 approved under application reference 24/01615/DIS.

c) The development shall be undertaken in accordance with the preparatory works specified in section 16.2.1 of the approved Geoenvironmental Appraisal no. 5044/1 dated July 2024.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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19. The approved care home development shall be operated in accordance with measures set out in the Travel Plan dated May 2022 approved under planning permission ref. 22/03877/FUL, and these measures shall remain in force for the lifetime of the development. Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

20. The development shall be carried out in accordance with the Phasing Plan hereby approved, Drawing No. MBS-AHR-S1-XX-DR-A-08200-PO4-S2. Reason: To ensure a satisfactory phasing of development.

21. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing. Reason: To safeguard the amenities of the local area by protecting trees.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats and birds as provided in Section 4.2 of the PEA and PRA (Arbtech, January 2022). Reason: To ensure the protection of and enhancements for bats, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. The building identified as 'care home' on the approved plan no. MBS-AHR-S1-XX-DR-A-08200-PO4-S2 shall be used only as a residential care home under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose. Reason: In order to restrict the use of the building in the interest of the amenities of the area.

24. The use of the units within the building identified as 'retail and leisure building' on approved plan no. MBS-AHR-S1-XX-DR-A-08200-PO4-S2 shall be restricted to: (i) those within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, or (ii) a tanning and beauty salon. Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

25. The use of one of the units within the building identified as 'retail and leisure' building on approved plan no. 25004-BR-02 B submitted to the LPA 17.04.25 shall be restricted to those uses within Use Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

AGENDA ITEM

Northern Planning Committee -

Proposed Commercial
Development Land To The
South Of

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

26. The use of the buildings identified as 'KFC' and 'Starbucks' on approved plan no. 25004-BR-02 B shall be restricted to: (i) those within Use Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, and/or (ii) drive-through food takeaway.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

27. The premises identified as 'KFC' and 'Starbucks' on approved plan no. 25004-BR-02 B and the units within the building identified as 'retail and leisure building' on approved plan no. 25004-BR-02 B shall not be open for customers outside the following hours: - 0600 to 2200 Monday to Sunday, including Bank Holidays. No customers shall remain in the premises outside of the above times. This is except for the 1 No. unit in use within Use Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenities of the area from potential nuisance.