



Appeal Decisions

Hearing held and site visit made on 25 June 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal A Ref: APP/Q1825/W/25/3362609

Saltways Cheshire Home, Church Road, Webheath, Redditch, Worcestershire B97 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Elysium Healthcare Holdings 3 Limited against the decision of Redditch Borough Council.
 - The application Ref is 22/01390/S73.
 - The application sought planning permission for Phase II extension, Saltways Cheshire Home, Church Road, Webheath, Redditch, without complying with a condition attached to planning permission Ref 77/12, dated 24 March 1977.
 - The condition in dispute is No 6 which states that: The proposed building shall be used only for a purpose included within Class XIV of the Town and Country Planning (Use Classes) Order 1972 except for the purpose of a sanatorium or hospital.
 - The reason given for the condition is: In order to define the permission.
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Appeal B Ref: APP/Q1825/W/25/3362608

Saltways Cheshire Home, Church Road, Webheath, Redditch, Worcestershire B97 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Elysium Healthcare Holdings 3 Limited against the decision of Redditch Borough Council.
 - The application Ref is 22/01389/S73.
 - The application sought planning permission for Phase 3 extensions, Saltways Cheshire Home, Church Road, Webheath, Redditch, without complying with a condition attached to planning permission Ref 81/420, dated 11 November 1981.
 - The condition in dispute is No 2 which states that: The proposed extensions shall be used only for a purpose included within Class XIV of the Town and Country Planning (Use Classes) Order 1972 except for the purpose of a sanatorium or hospital.
 - The reason given for the condition is: To define the permission and to ensure the satisfactory completion of the development.
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Appeal A: Decision

1. The appeal is allowed and planning permission is granted for Phase II extension at Saltways Cheshire Home, Church Road, Webheath, Redditch in accordance with the application Ref 22/01390/S73, without compliance with condition numbers 1 to 6 previously imposed on planning permission Ref 77/12 dated 24 March 1977 and subject to the conditions in the attached schedule.

Appeal B: Decision

2. The appeal is allowed and planning permission is granted for Phase 3 extensions at Saltways Cheshire Home, Church Road, Webheath, Redditch in accordance with the application Ref 22/01389/S73, without compliance with condition numbers 1 to 9 previously imposed on planning permission Ref 81/420 dated 11 November 1981 and subject to the conditions in the attached schedule.

Background and Main Issues

3. Planning permission was granted on the appeal site in 1974 for erection of a Cheshire Home, adjacent to St Phillips Church, Webheath, Redditch (Council Ref 19385) (phase 1). The appeals relate to the permissions for two subsequent phases of development, hereafter referred to as phase 2 and phase 3. The disputed conditions control the use of the phase 2 and 3 buildings such that they can be used only for a purpose included within Class XIV of the Town and Country Planning (Use Classes) Order 1972 (1972 Order), except for the purpose of a sanatorium or hospital.
4. The 1972 Order has since been replaced by the Town and Country Planning (Use Classes) Order 1987 (as amended). The appeals seek to vary the disputed conditions to refer to the 1987 Order and to alter the range of uses permissible in phases 2 and 3, to include a hospital and nursing home. This is intended to enable the provision of care for individuals suffering from eating disorders and associated illnesses. Therefore, the appeals seek to vary the disputed conditions to the following:

The premises and building known as Saltways, Church Road, Redditch B97 5PD shall be used for the provision of residential accommodation and care to people in need of care, including the use as a hospital and nursing home and for no other purpose within Class C2 in Schedule 1 Part C, of the Town and Country Planning (Use Classes) Order 1987 or any order superseding the 1987 Order.

5. The judgement handed down in *Finney v Welsh Ministers and Others* [2019] EWCA Civ 1868 (Finney) held that an application under section 73 of the Town and Country Planning Act 1990 (as amended) could not be used to obtain planning permission that requires a variation to the terms of the 'operative' part of the planning permission. Finney established that amendments cannot be made to conditions such that a discrepancy would be created with the description of development.
6. The Council contends that the proposal would fundamentally alter the developments allowed under phase 2 and 3 permissions, meaning that the variation of conditions through these appeals would be beyond the scope of section 73 of the Act. The Council also contends that use of the buildings as a hospital would be unacceptable with respect to its location and its effect on neighbours' living conditions, the character and appearance of its surroundings, and on crime and the fear of crime.
7. Therefore, the main issues are whether the proposed variation to condition 6 (of permission Ref 77/12) and condition 2 (of permission Ref 81/420) would:
 - conflict with the use described on the associated planning permissions;

- be acceptable having regard to:
 - i. the location of the appeal site and its accessibility by sustainable transport modes;
 - ii. its effect on the living conditions of neighbouring occupants, with particular regard to privacy, and noise and disturbance;
 - iii. its effect on the character and appearance of the surrounding area;
 - iv. its effect on crime and the fear of crime;

Reasons

Whether the appeals would conflict with the use described on the planning permissions

8. On the decision notices for phase 2 and 3, the description of development and the location of development are not clearly separated. For phase 2, the development and location are described as 'Phase II Extension, Saltways Cheshire Home, Church Road, Webheath, Redditch'. For phase 3, the equivalent is 'Phase 3 extensions, Saltways Cheshire Home, Church Road, Webheath, Redditch'.
9. The Council's evidence describes their understanding of the term 'Cheshire home' with reference to its origins in the Leonard Cheshire movement under which homes were established to provide accommodation for physically disabled war veterans. Moreover, that at the time of the phase 2 and 3 decisions the term Cheshire Home was generally synonymous with Leonard Cheshire and the provision of accommodation for war veterans.
10. However as noted above, the disputed conditions limit the permitted uses for phases 2 and 3, to only those within Class XIV of the 1972 Order, excluding hospital and sanatorium. Therefore, it follows that the operative part of those permissions fell within Class XIV. Accordingly, in the absence of the disputed conditions, the buildings could have been used for any purpose provided it fell within Class XIV¹.
11. As the 1972 Order has since been replaced, the proposed variation of conditions refer to Class C2 in the 1987 Order and uses as described in that Class². The uses permitted by the disputed conditions under Class XIV are now encompassed by Class C2 of the 1987 Order. Moreover, the use of a building for any other purpose in the same use class (such as within Class C2) does not comprise development. Consequently, in seeking to alter limitations on the range of uses permitted with reference to its current C2 use class, the appeal proposals do not amount to conflict with the operative part of the decisions. That remains intact and unaltered by the appeals.
12. Therefore, the proposed variation to condition 6 (of permission Ref 77/12) and condition 2 (of permission Ref 81/420) would not conflict with the use described on the associated planning permissions.

¹ The 1972 Order defines Class XIV as:

'Use as a home or institution providing for the boarding, care and maintenance of children, old people or persons under disability, a convalescent home, a nursing home, a sanatorium or a hospital.'

² The 1987 Order defines Class C2 as:

Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as sole or main residences). Use as a hospital or nursing home. Use as a residential school, college or training centre.

Location of the appeal site and accessibility by sustainable transport modes

13. At paragraph 44.2, Policy 44 of the Redditch Local Plan No.4 (January 2017) (Local Plan) offers support for new or improved primary health care and related activities. It seeks that these are located where they are accessible. In that regard, it seeks that these are ideally located within Redditch town centre or the district centres, in line with the Council's town centre and retail hierarchy set out in Local Plan Policy 30.
14. The appeals relate to an existing healthcare facility. As such, they do not comprise new buildings. However, they seek to broaden the range of healthcare uses permissible on site, and specifically to support the ability of the site to meet a need for facilities to address patients with eating disorders. As such, I find that they would comprise new or improved health care under the terms of Policy 44.2. The Policy does not explicitly define the terms, primary health care and related activities. The definition of 'genuine health-related facilities' in the supporting text seems to me to relate more readily to the second part of the policy (paragraph 44.3) regarding safeguarded land intended for 'genuine health-related purposes' within the curtilage of Alexandra Hospital.
15. The appellant points to the NHS England definition of 'primary care'. This refers to those services acting as the front door of the NHS, including general practice, community pharmacy, dental and optometry, none of which are sought here. However, the policy does not make reference to that definition and refers to primary health care, rather than just primary care. As such, I find that the policy reference to 'primary health care and related activities' points to a broader definition than that NHS England definition. Accordingly, the proposal to incorporate hospital use here would reasonably fall within 'primary health care and related activities'. Thus, it would be within the scope of paragraph 44.2 of Policy 44.
16. It is common ground that the appeal site is not within Redditch town centre or a district centre. It does not adhere to the hierarchy of centres as set out in Policy 30. Also, Church Road is not on a bus route. Consequently, access to the site by bus would require walking circa 485m to the nearest bus stop. The Council refers to various guidance on recommended distances to bus stops, including for those that have mobility or visual impairment. This includes the Department for Transport Mobility guide (2021) which is said to specify a maximum of 150 metres to a bus stop in order to be inclusive to all users. In the absence of a bus stop within that distance, not all users of the appeal site would be able to make use of sustainable transport modes. The site is not within the 400m of scheduled bus stops that is said to be referenced in WCC Streetscape Design Guide. Whereas, Manual for Streets (2007) indicates that a distance of up to about 800m comprises a comfortable, walkable distance.
17. In any event, at a distance of circa 485m, access by bus would be feasible for some users of the site. Rather than access to these bus stops being unduly convoluted, I consider they would be accessible using pavements along paths that are reasonably well lit and are largely overlooked by existing houses. The nearest bus stops are said to provide a half hourly service to Redditch until 7 or 8pm. The timing of the final evening service would limit the ability of staff working on shifts to travel to the site by public transport. However, it would provide the option for some visitors, and some staff working normal office hours, to travel to and from the site by bus.

18. The site is also close to a national cycle route, providing the option for some journeys to be made by bicycle. In addition, the proposal is located within Redditch urban area. Local Plan Policy 2 describes this urban area as being the focus for development due to its high level of services and facilities, and its sustainability. Accordingly, although not within a town or district centre which Policy 44 considers to be ideal, the appeal site is nonetheless accessible. Furthermore, the former use of the appeal buildings could continue regardless of the outcome of these appeals. No substantive evidence is before me to indicate that the appeal proposals would result in travel to and from the appeal site being of a scale that would be materially different to that permissible under the existing planning permissions.
19. Therefore, the proposed variation to condition 6 (of permission Ref 77/12) and condition 2 (of permission Ref 81/420) would be acceptable having regard to the location of the appeal site and its accessibility by sustainable transport modes. Although not falling within the hierarchy of centres under Policy 30, it would be accessible in accordance with Policy 44 of the Local Plan. It would also accord with Policy 19 of the Local Plan which generally seeks to maximise accessibility by sustainable transport modes.

Living conditions of neighbours – privacy, noise and disturbance

20. The appeal buildings are situated in a relatively dense residential area and are surrounded by houses. Consequently, the rear gardens of houses on adjacent roads back onto the appeal site. Also, there is intervisibility between the appeal site and first floor windows of adjacent houses, including houses on Shirehampton Close and Churchfield Court, at relatively close range.
21. Although currently vacant, the appeals relate to existing buildings that have provided living accommodation and care to their occupants over a number of years. The occupants are said to have been those with physical disabilities but may also have included those with other health concerns, including mental health. No robust evidence indicates otherwise. Given the position of the appeal site on higher ground than houses on Shirehampton Close, there is the potential for a degree of overlooking of first floor habitable rooms of neighbouring houses from within the appeal grounds. However, as that is the situation currently, the proposal would not lead to any greater harm in that respect.
22. As a result, the extent of overlooking by individuals attending a hospital use, either from the appeal buildings or their grounds, would not be any more intrusive than the continuation of the use of the buildings under their existing planning permissions. Consequently, the appeals are acceptable with regard to their effect on the privacy of neighbours.
23. In response to concern that a hospital use would give rise to increased noise from alarms used to alert staff to an issue requiring their attention, it is reasonably likely that such alarms would be used whether the buildings were used as a hospital or another form of care as already permitted. No substantive evidence indicates that the noise disturbance from such alarms would be noticeably greater in the event of the appeals being allowed.
24. A further concern raised by the Council and local residents is that the proposals would cause an unacceptable increase in noise and disturbance from ambulances arriving and leaving the site. Nonetheless, ambulances would likely be a relatively common occurrence for a care home or nursing home use, and the site already

makes provision for access by ambulances. In any event, sirens are typically used when negotiating traffic or where sight lines are limited, at the discretion of the driver. Consequently, I find that noise from emergency vehicle sirens at the appeal site would not be used so routinely as to result in harm to the living conditions of neighbours. Noise from parking of a small number of vehicles adjacent to neighbouring gardens would not be out of place in a residential area or of a sufficient level to harm living conditions of neighbours.

25. The Borough of Redditch High Quality Design SPD (June 2019) recognises that noise disturbance can occur where neighbouring uses and associated patterns of development are dissimilar. The proposed hospital use would require staff to be present overnight with the potential for some late night comings and goings. However, it is highly likely that the focus of activity would be during waking hours. With quieter times at nighttime and fewer comings and goings, to encourage occupants of the appeal site to rest. As such, its pattern of use would not be so different from surrounding residential uses as to be unduly intrusive.
26. Whereas the historic use of the appeal site is said to have operated harmoniously with its neighbours, concern has been expressed about a hospital use giving rise to considerably greater noise from distressed patients, such as those with eating disorders. For phase 3, the description of the proposed development on the original application form made reference to it being an extension to an existing home for those with a physical disability. Whereas, for phase 2 it refers only to it being an extension of the existing Saltways Cheshire Home.
27. In any event, the subsequent phase 2 and 3 permissions did not include limitations on the age or circumstances of the individuals that the extensions could accommodate. Moreover, neither of the disputed conditions preclude the use of the buildings as nursing homes. As such, occupation of the appeal site under the existing phase 2 and 3 permissions could include those with a range of conditions that could give rise to noisy or challenging behaviours.
28. However, in varying the conditions to include hospital use there would likely be scope for a broader range of care and treatment to be provided to address a wide range of health conditions, relative to that permissible under the existing permissions. In the event of this resulting in greater intensity of use of areas of the appeal grounds closest to neighbouring gardens, I consider that there would be scope for a modest increase in noise and disturbance to those nearest neighbours.
29. I have therefore given consideration to whether such harm could be adequately controlled by use of appropriate planning conditions. In this instance, the appellant suggested a condition to require a noise management plan. For example, this could include controls over the timing and nature of the use of those areas of the appeal site grounds that are closest to neighbouring gardens. Also, a condition requiring additional landscaping, including around the appeal site boundary where it adjoins neighbouring gardens, would be appropriate to better manage transmission of noise from the appeal site grounds. The placement of such landscaping could reasonably be designed having regard to the need to maintain natural surveillance at site entrances and avoid obstructing CCTV.
30. Therefore, subject to the imposition of such conditions, the proposed variation to condition 6 (of permission Ref 77/12) and condition 2 (of permission Ref 81/420) would be acceptable having regard to the living conditions of neighbouring

occupants, with particular regard to privacy, noise and disturbance. Consequently, the proposals would accord with Policy 39 and 40 of the Local Plan. Amongst other matters these seek to ensure proposals integrate with their surroundings and achieve good design.

Character and appearance

31. The proposed variation of conditions relate to the use and do not involve operational development. The existing windows already have a reflective appearance that prevents views into the building. Whilst this creates a somewhat institutional appearance, that is not an effect of these appeals. Similarly, although the Council considers additional CCTV is required for security, there is already CCTV in place. No additional CCTV is sought through the appeals. As such, the effect of CCTV on character and appearance of the surroundings would not be altered by the appeals being allowed. Moreover, in the event that alterations to CCTV were subsequently proposed that exceed the restrictions and limitations on permitted development rights, an application for planning permission would be required.
32. Also, although the Council considers that fencing of at least 2.4 metres in height would be necessary, the appellant has stated that there is no intention to erect additional fencing at the site and none is proposed through the appeals. In the event that such additional fencing was subsequently sought, planning permission would be required. The Council would be entitled to determine that application having full regard to its effect on appearance, and other matters, at that stage. The appellant advises that the site would in any event comply with relevant NHS design guidelines based on its existing measures, including fencing.
33. Accordingly, whilst the appeal site is within an established residential area and close to an historic church, any physical manifestations of the appeals on the character and appearance of the site and its surroundings would be difficult to discern. Consequently, the proposed variation to condition 6 (of permission Ref 77/12) and condition 2 (of permission Ref 81/420) would be acceptable having regard to its effect on the character and appearance of the surrounding area. It would thus accord with Policies 39 and 40 of the Local Plan. These generally seek to ensure proposals achieve good design.

Crime and the fear of crime

34. This main issue reflects local concern expressed as a fear of patients absconding and causing harm to people in the local community. Also, that such patients may cause harm to themselves that would be distressing for local residents to see or hear about. I accept that occupants of a hospital facility may attempt to leave the site from time to time. Moreover, should the appellant's proposal for an eating disorder facility be realised, its occupants would likely require considerable support, and may be detained under the Mental Health Act.
35. However as reasoned above, occupants of the appeal buildings under their existing permissions could also accommodate those with challenging behaviours, mental health issues, and a desire to escape from the accommodation. The presence of considerable fencing within the existing appeal site is an indication that previous use of the appeal site sought to control the movement of its occupants to a certain extent, as well as to protect them from intruders. No robust evidence is before me to indicate that occupants of a hospital facility would be any more likely to commit

crime, attract crime, or cause nuisance to the local community than occupants that could be accommodated under the existing permissions. Also, active rehabilitation might involve occupants of the appeal site making use of local facilities. Nonetheless, such activities could equally occur even if the appeals were to be dismissed.

36. I note that a previous appeal on this site for three single storey extensions for a children and mental health services unit was dismissed³, in part due to the effect of 3m high anti-climb fencing in amplifying local residents' fear of crime. However, as noted above, additional fencing is not proposed under the appeals before me. There is existing fencing, CCTV and external lighting that would help assist with appropriate monitoring of activities within the appeal site grounds. Therefore, I am not persuaded that anti-climb fencing would be necessary to make the appeals acceptable.
37. Reference has been made to a bridge in the locality that may present a suicide risk to vulnerable patients of the appeal site. However, the appeal site is not so close or accessible to that bridge that the risk to patients would be unmanageable. Rather, the location of the appeal site within a residential area would seem to provide a reasonably safe environment for the care of such patients. Accordingly, I see no reason to conclude that the presence of a bridge or any other features in the locality would make the appeal site unacceptable for vulnerable patients, taking into account the level of support and monitoring that they would be expected to receive. Consequently, to dismiss the appeals on the basis of crime and fear of crime would not be justified in this instance.
38. Therefore, the proposed variation to condition 6 (of permission Ref 77/12) and condition 2 (of permission Ref 81/420) would be acceptable having regard to its effect on crime and the fear of crime. Accordingly, it would comply with Policy 40 of the Local Plan which includes a requirement for proposals to promote community safety and avoid vulnerability to crime.

Other Matters

39. The Council provided details of appeal decisions at Manvers Road, Mexborough⁴. That related to appeals against an enforcement notice and a refusal to grant a certificate of lawful use or development. There appears to be some overlap between the nature of the development considered in that decision and the appeals here. For example, both are described as providing for patients that need to be detained under the Mental Health Act. Also, both sites share a close physical relationship with surrounding residential development.
40. However, in that case the assessment was of a specific use, described as the provision of residential care of persons with past or present mental disorders for the purpose of rehabilitating them for life in the community. Consequently, the Inspector's findings were framed with regard to that specific form of rehabilitation. The Inspector did not determine whether that use fell within a hospital use. Whereas, notwithstanding the intention to occupy the buildings as a facility for those with eating disorders, these appeals do not seek to allow a specific use, but instead to allow for a hospital use.

³ Appeal Ref APP/Q1825/W/21/3269496

⁴ Appeals A and B Ref: APP/F4410/C/06/2007380 & 2007383 and Appeal C Ref: APP/F4410/X/06/2013886

41. Also, in that case the Inspector found that planning conditions or restrictions would not render the development acceptable. Whereas, for the reasons given above I have found that the imposition of additional conditions relating to noise and landscaping would render the development acceptable here. Consequently, the approach in the Manvers Road appeal decisions is not sufficiently similar to alter my reasoning.
42. I recognise that there is concern about the proposal within the local community, many of whom are longstanding residents and retired, and have given careful consideration to comments made at application and appeals stage. I have also had regard to the legal opinion provided by Jenny Wigley QC, albeit that was provided in response to instructions regarding the previous proposal which did not seek to vary the disputed conditions. As such, it is not directly relevant to the main issues of these appeals and does not alter my reasoning.
43. Evidence indicates that the site would provide adequate parking for the use of phase 2 and 3 as a hospital. Consequently, it would not result in harm to neighbouring occupants with respect to parking stress. The appeals do not seek to allow for use as a secure residential institution under Class C2A. Therefore, the effects of such a use are not for consideration here. Also, the appeals do not seek to make provision for use of the appeal buildings as a training centre.
44. The land surrounding the appeal site has changed since the Cheshire Home was originally granted. Nonetheless, for the reasons given the use of the appeal buildings as proposed would be acceptable taking into account its proximity to surrounding houses and use of appropriate conditions. The proposal would not result in neighbouring properties being overlooked to the extent that it would cause unacceptable harm to their living conditions. As such, allowing the appeals would not unacceptably interfere with neighbours' rights to a private and family life and home. Furthermore, given the presence of reflective film on existing windows patients would be afforded sufficient privacy. Whilst future occupants of the appeal site may be encouraged to make use of local facilities with appropriate supervision, the extent of such facilities in and around Webheath would be adequate and not a reason for withholding permission. As the appeals are allowed in light of the specific circumstances of the appeal site and its planning history, I see no reason to conclude it would set an unwelcome precedent.

Conditions

45. I have had regard to the advice in the Planning Practice Guidance, the conditions provided by the Council and appellant and the discussion regarding conditions at the hearing. I have considered all the suggested conditions and imposed them where they meet the tests set out in the Framework, amending where necessary for the sake of simplicity, clarity and precision.
46. Condition 1 is necessary to define the nature of the uses permissible, with reference to the specific phase to which each appeal relates, rather than to the site as a whole. The reasons for condition 2 (noise) and 3 (landscaping) have already been provided above. Condition 4 on cycle parking is necessary in the interests of promoting access to the site by sustainable transport modes. Conditions requiring details of external lighting, CCTV and fencing to be submitted for approval are not imposed on the basis that these are not proposed, and they are not considered necessary to make the development acceptable in planning terms. Moreover,

restricting permitted development rights relating to CCTV and fencing would not be clearly justified, particularly in light of the absence of such restrictions on existing permissions.

47. The Council suggested a condition requiring that no internal or external alterations or ground works associated with the implementation of the hospital use take place until 14 days have elapsed from written notification of the Council. This was to enable the Council to know when the use had commenced and to assist with consideration of compliance with the other conditions. However, I have required that the hospital use cannot commence until conditions 2, 3 and 4 have been discharged. I am satisfied that it would be possible for the Council to determine whether the hospital use had commenced, for example by a site visit. Consequently, notification of the Council is not necessary. As such a condition would not meet the tests in the Framework, it should not be imposed.
48. A construction management plan condition was suggested by the Council. However, as the appeals are not for operational development, the level of disruption to neighbours from internal works or soft landscaping would not be so intrusive or long lasting as to result in unacceptable harm to neighbours' living conditions. Accordingly, a construction management plan condition is not necessary. The main parties were in agreement that all other conditions on the original permissions are no longer relevant and should not be imposed on the appeal decisions. Accordingly, those have not been included in the schedules of conditions.

Conclusion

49. I therefore conclude that the appeals should be allowed and grant new planning permissions, subject to the attached conditions.

Appeal A: Schedule of Conditions

- 1) The Phase II extension shall be used for the provision of residential accommodation and care to people in need of care, including the use as a hospital and nursing home and for no other purpose within Class C2 in Schedule 1 Part C, of the Town and Country Planning (Use Classes) Order 1987 or any order superseding the 1987 Order.
- 2) The Phase II extension shall not be occupied as a hospital use until full details and specifications of a soft landscaping scheme shall first have been submitted to and approved in writing by the local planning authority. The soft landscaping shall be planted in accordance with the approved details in the first planting season following occupation of the buildings as a hospital use, or sooner. Any trees or plants which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) The Phase II extension shall not be occupied as a hospital use until a noise management plan setting out measures to control noise generated by the hospital use and its impact on the occupants of neighbouring properties shall first have been submitted to and approved in writing by the local planning authority. The hospital use shall thereafter be carried out in accordance with the noise management plan for the lifetime of the development.

- 4) The Phase II extension shall not be occupied as a hospital use until details of arrangements for secure and covered bicycle parking shall first have been submitted to and approved in writing by the local planning authority. The bicycle parking shall be implemented prior to first use of the buildings as a hospital use and shall thereafter be retained for such use for the lifetime of the development.

Appeal B: Schedule of Conditions

- 1) The Phase 3 extensions shall be used for the provision of residential accommodation and care to people in need of care, including the use as a hospital and nursing home and for no other purpose within Class C2 in Schedule 1 Part C, of the Town and Country Planning (Use Classes) Order 1987 or any order superseding the 1987 Order.
- 2) The Phase 3 extensions shall not be occupied as a hospital use until full details and specifications of a soft landscaping scheme shall first have been submitted to and approved in writing by the local planning authority. The soft landscaping shall be planted in accordance with the approved details in the first planting season following occupation of the buildings as a hospital use, or sooner. Any trees or plants which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) The Phase 3 extensions shall not be occupied as a hospital use until a noise management plan setting out measures to control noise generated by the hospital use and its impact on the occupants of neighbouring properties shall first have been submitted to and approved in writing by the local planning authority. The hospital use shall thereafter be carried out in accordance with the noise management plan for the lifetime of the development.
- 4) The Phase 3 extensions shall not be occupied as a hospital use until details of arrangements for secure and covered bicycle parking shall first have been submitted to and approved in writing by the local planning authority. The bicycle parking shall be implemented prior to first use of the buildings as a hospital use and shall thereafter be retained for such use for the lifetime of the development.

APPEARANCES

For the appellant:

Tom Hallett	Associate at Q+A Planning Ltd
Amanda Pickering	Consultant at Q+A Planning Ltd
Killian Garvey	Counsel at Kings Chambers, instructed by Q+A Planning Ltd
Radley Vickery-Biddulph	Legal Manager at Elysium Healthcare Limited
Julian Wilson	Property Director at Elysium Healthcare Limited

For the local planning authority:

David Edmonds	Principal Planning Officer at Redditch and Bromsgrove Councils
Ruth Bamford	Assistant Director for Planning, Leisure and Culture Services at Redditch and Bromsgrove Councils

Interested parties:

Peter Hill	Local resident, 48 Shirehampton Close, Webheath, Redditch
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