

**PLANNING
COMMITTEE**

6th December 2023

Planning Application 23/00387/S73

Variation of Conditions 7 and 8 attached to planning permission reference 2010/137/FUL dated 09/09/2010 (Demolition of existing Dorothy Terry House, together with ancillary buildings and 203 Evesham Road. Construction of new high dependency dementia "housing with care" scheme, consisting of 42 flats, and support accommodation): Section 73 application

Dorothy Terry House, Evesham Road, Redditch, B97 5EN

**Applicant: Mrs Stephanie Ramsden: Housing 21
Ward: Headless Cross and Oakenshaw Ward**

(see additional papers for site plan)

The case officer of this application is Steven Edden, Principal Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises an established Care Home accessed via Evesham Road. To the north of the site, existing development comprises a number of flats (Guinness Close) and to the south of the site are some established cottages that front Evesham Road together with a more recent development of detached dwellings (The Folly) which front onto the southern boundary of the application site. To the east of the site is a further flatted development (Four Oaks Close).

Proposal Description

Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant planning permission by either varying (amending) or removing those conditions.

The application seeks to amend two conditions attached to approved application 2010/137/FUL which was implemented shortly after its approval and has since been operating as an established Care Home.

The first, Condition (7) lists all plans approved under reference 2010/137/FUL. In this respect, information contained on the 'red line' plan drawing number BS188/87 which is listed as an approved plan is now out-of-date and has been replaced by an up-to date Ordnance Survey Plan, drawing number PL/01-RO, albeit the extent of the application site area has not changed. All other plan references listed under Condition 7 are to be unaltered.

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The second Condition (8) currently states:

The development hereby approved shall be used for the purposes as a care scheme for people with dementia under Class C.2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose

The applicant seeks to amend Condition 8 such that it would read:

The Development hereby approved shall be used for the purposes of an extra care scheme under Class C.2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose

It should be noted that the original proposals also sought to remove Condition 9 attached to the consent. This currently restricts the use of the on-site café, laundry and hair salon to the use of residents within the application site only. The removal of this condition would have enabled these existing facilities to be used by non-residents and the general public. This element has now been removed and is no longer for consideration. A representation received from a member of the public has referred to this aspect which is why your officers are referring members to this briefly in the report.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 4: Housing Provision

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Others

National Planning Policy Framework (2023)

Relevant Planning History

2010/137/FUL	Demolition of existing Dorothy Terry House, together with ancillary buildings and 203 Evesham Road. Construction of new high dependency dementia 'housing with care' scheme, consisting of 42 flats, and support accommodation	Granted	09.09.2010
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Consultations

Worcestershire Highway Authority

Comments summarised as follows:

No objections are raised to the proposed change of use from Dementia Care to Extra Care at Dorothy Terry House.

Objections were raised with respect to the use of the existing café and hair salon by use by the wider public on grounds of insufficient car parking provision on site although it is noted that this element has been deleted from the proposed development.

Housing Strategy Team

The Housing Strategy Team support this application for the provision of an Extra Care scheme at the site as this is a much needed type of accommodation

Public Consultation Response

57 separate occupiers have been notified in writing on the application. A public notice was displayed at the site and a press notice advertising the application was published in the Redditch Standard. One representation has been received objecting to the application for the following summarised reasons:

*The proposed variation to the existing conditions may impact upon parking provision to the detriment of nearby residents

*Within the area there are many cafes and hairdressers offering this service and the proposal would affect surrounding businesses should another cafe and hairdresser be made available to the general public.

Assessment of Proposal

Dorothy Terry House is an established care home currently operated by Rooftop Housing Group.

Condition 8 attached to consent 2010/137/FUL restricts the use of the building to a (C2 Class) Care home for residents with dementia only.

The applicant, Housing 21 are applying to amend Condition 8 which would enable care to be provided for residents who are not suffering with dementia as well as those with dementia within an Extra Care facility. The proposed Extra Care use also falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) which would be lawful save for the condition which references dementia care only.

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Evidence submitted by the applicants' agents suggest that void rates (which refers to the number of empty properties) at Dorothy Terry House have risen in recent years, particularly since COVID-19. They also comment that there have been challenges in securing referrals and nominations from the Local Authority that fulfil the dementia criteria to comply with the planning permission.

Rooftop Housing have engaged with the Councils Strategic Housing Team regarding the removal of the Dementia specific classification which has limited the client group that can fulfil the criteria required for a successful allocation to the scheme. Local housing demand for older peoples accommodation in the local area is demonstrated as acute and the change to the proposed Extra Care scheme is supported by the Housing Strategy Team.

The Worcestershire Extra Care Housing Strategy 2012-2026 also supports the benefits of Extra Care Housing and advises that people should move into Extra Care settings before a Cognitive Impairment (such as Dementia) has the opportunity to develop. Such provision would accord with the aims and objectives set out within Borough of Redditch Local Plan Policy 4.

Extra care is often viewed as being a potential 'step up' for a person with mild/moderate dementia as a planned move, perhaps from a family home. The planned move approach is considered to potentially release much needed family accommodation that would work towards tackling local general needs demand for housing.

The applicant's agent states that a key aim of the dementia strategy is to promote early diagnosis and subsequent early intervention to promote better quality of life in relation to living with dementia, which should include access to Extra Care Housing.

Planning permission 2010/137/FUL granted on site car parking provision to cater for the proposed use. This comprises eleven (11) spaces which are located within the main car parking area, accessed via Evesham Road, and three (3) spaces which are accessed to the rear (north-east) of the site via Guinness Close. A total of 14 spaces are therefore available for use. No changes are proposed to this provision and Worcestershire County Highway Authority have raised no objection to the application. It should be noted that Dorothy Terry House is well served by bus stops which are a short walk from the site and offer services connecting into the Town Centre, the bus and train station which is approximately 1.4 miles away.

The variation of Condition 7 is purely administrative since it replaces one 'red-line' application site boundary with another. The updated 'red line' plan, Drawing number PL/01-RO will be required to accompany the deed of variation to the S106 agreement (see below). As set out earlier in this report, all other plan references listed under Condition 7 are to be unaltered.

The proposals are considered to be acceptable in planning terms and no technical concerns have been raised by consultees including WCC Highway Authority. In light of this, your officers can support this application to vary the two conditions in question.

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The guidance in the Governments Planning Practice Guidance (PPG) makes it clear that decision notices for the grant of planning permission under Section 73 should re-state the conditions imposed on earlier permissions where those continue to have effect. In this case, partly owing the historical nature of the (original) 2010 consent, only Conditions 7, 8 and 9 attached to the original consent continue to have effect and are re-stated / re-worded as conditions 1, 2 and 3 respectively below.

The original planning consent was granted subject to an accompanying S106 legal agreement to tie the consent in perpetuity for occupiers with dementia. A deed of Variation to the S106 is required to reflect the changes sought by the current applicant, Housing 21 to use the facility as an Extra Care facility. Delegated authority to grant permission in this case is sought to complete the required deed of variation.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning, Regeneration and Leisure Services to GRANT planning permission subject to:-

- a) The satisfactory completion of a deed of variation to the extant S106 planning obligation to an Extra Care Facility**

and

- b) Conditions as below:**

Conditions:

- 1) The development hereby approved shall be implemented in accordance with the following plans:

Location plan Dwg. No PL/01-RO
Proposed existing site survey plan Dwg. No. BS188/98
Proposed lower ground floor plan Dwg. No. BS188/99C
Proposed ground floor plan Dwg. No. BS188/100B
Proposed first floor plan Dwg. No. BS188/101B
Proposed second floor plan Dwg. No. BS188/102B
Proposed third floor and roof plan Dwg. No. BS188/103B
Proposed elevations sheet 1 Dwg. No. BS188/106B
Proposed elevations sheet 2 Dwg. No. BS188/107B

Reason: To accurately define the permission for the avoidance of doubt

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- 2) The Development hereby approved shall be used for the purposes of an extra care scheme under Class C.2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose

Reason: To define the terms under which permission for this development is granted

- 3) The cafe, laundry facility and hair salon that are located to the west of the application site shall be used as ancillary facilities for the development only and shall not be separated from the scheme to be used as independent facilities for the use of the general public.

Reason: To define the permission, as such facilities would normally be provided within the Local District Centre, and given the facilities are outside this area, they could conflict with the purpose of the District Centre.

Procedural matters

This application is reported to Planning Committee for determination because the application is a Section 73 application concerning a major development being recommended for approval. As such the application falls outside the scheme of delegation to Officers.