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## PLANNING STATEMENT



**RTPI**

Chartered Town Planner

**OUR REF**

PPLJONB904ED

**DATE**

10/06/2021

**SITE ADDRESS**

Joseph House 970 Stratford Road Shirley B90 4ED

**PROPOSAL**

Change of use to Class E (e) medical or health services



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## 1. INTRODUCTION

We have been instructed to prepare a Planning Statement to accompany the planning application to change the use of Joseph House 190 Stratford Road Shirley Solihull B90 4ED from an office to a medical/health care use.

The site includes a modern building with associated car parking and curtilage. The site lies in the Green Belt on the edge of the main built-up area of Solihull.

There is an extant consent reference PL/2020/00385/PPFL to extend the building and change the use of the building to a day nursery.

The extension was originally approved under application reference PL/2019/01970/PPFL. That consent has been implemented and the works are complete.

The day nursery use has not been implemented. This is because the business has not been able to take on the premises on account of the Covid 19 Pandemic. It is now necessary to find an alternative use for the building. The current proposal seeks to change the use of the buildings to Class E (e) medical or health care services.

The proposed development will redefine how areas of the building are used. No further extensions to the building are proposed. The external appearance of the building is also unchanged.

The existing permitted use of the premises is Class E (g)(i) - offices to carry out any operational or administrative functions.

The existing and proposed uses therefore both fall within the Class E Use Class that was introduced by the 2020 amendment to the Use Classes Order.

The NPPF and the Solihull Local Plan include policies that support the reuse of existing buildings in the Green Belt provided that the proposed use does not have a greater impact on the openness of the Green Belt than the existing use.

The proposed use will be similar to the existing use and the unimplemented day nursery use. Moreover, the proposed use does not include the use of outdoor space in the same way as the day nursery would have. The proposed use therefore has a lesser impact than the extant day nursery use on the openness and use of land in the Green Belt.

The proposed development is an appropriate form of development in the Green Belt that will lead to the acceptable reuse of an existing building.

2. **SITE AND SURROUNDINGS**

The application site is a modern office building with associated site curtilage. The aerial view of the site is set out below.



The image shows the extension under construction.

The existing building is of a simple brick-built gable end construction.



The site lies in the Green Belt. It is close to the Green Belt boundary. It has excellent connectivity to the built-up area around Solihull.

The site has existing access from the Stratford Road with adequate care parking facilities available within the site curtilage.

### 3. **PROPOSED DEVELOPMENT**

The application proposes to change the use of the building to Class E (e) medical or health care services.

There is no external development required to change the use of the building.

The interior of the building will be redefined to accommodate medical facilities and associated support services.

The proposed ground and first floor layout of the building are set out on the next page.





#### 4. **RELEVANT PLANNING POLICY**

The policies of the adopted Solihull Local Plan and the NPPF need to be taken into consideration when considering the re-use of the buildings.

The following policies are relevant.

##### **Solihull Local Plan**

The following policies are relevant.

Policy P1 provides general support for the economic growth of Solihull.

Policy P7 deals with Accessibility and Ease of Access

##### **POLICY P7 Accessibility and Ease of Access**

- a) All new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access.

Development will be expected to meet the following accessibility criteria, unless justified by local circumstances.

- i. Proposed housing development should be:
- Within an 800m walk distance of a primary school, doctor's surgery and food shop offering a range of fresh food; and
  - Within a 400m walk distance of a bus stop served by a commercial high frequency bus service (daytime frequency of 15 minutes or better) providing access to local and regional employment and retail centres; and/or

- ii. Proposed offices, retail and leisure development should be located in town centres, or other established locations including Birmingham Business Park, Blythe Valley Business Park, Birmingham Airport and NEC, as defined in Policies P1, P2 and P19. Here and elsewhere they should be within a 400m walk distance of a bus stop served by a commercially run high frequency bus service;
- iii. Proposed education, health and other public service facilities should be located where they are easily accessible on foot, by bicycle and bus by the local community they serve;
- iv. Proposals for change of use are likely to be resisted if they reduce accessibility to levels below those listed in this policy.

Policy P14 deals with amenity

**POLICY P14 Amenity**

The Council will seek to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development, and will:

- i. Permit development only if it respects the amenity of existing and proposed occupiers and would be a good neighbour;
- ii. Consider the visual and other amenities of potential occupiers and users of new developments close to overhead power lines and substations. Developers will be expected to locate and design new developments so as to minimise the visual and other amenity impacts;
- iii. Support the development of electronic communications networks including telecommunications and high speed broadband. The Council will have regard to the needs of telecommunications operators, any technical constraints on location of telecommunications apparatus, the potential for sharing sites, the impact of development on its surroundings, the sensitivity of the environment and the design and external appearance of telecommunications apparatus. Development in or adjacent to sensitive locations will be permitted only if there is no other technically suitable location that both meets operational requirements and causes less environmental harm and any mast is at a distance of at least twice its height from the nearest residential properties;

Policy P17 deals with Green Belt issues.

**POLICY P17 Countryside and Green Belt**

The Council will safeguard the “best and most versatile” agricultural land in the Borough and encourage the use of the remaining land for farming. Development affecting the “best and most versatile” land will be permitted only if there is an overriding need for the development or new use, and there is insufficient lower grade land available, or available lower grade land has an environmental significance that outweighs the agricultural considerations, or the use of lower grade land would be inconsistent with other sustainability considerations. Development involving farm-based diversification will normally be permitted in order to support farm enterprises and the management of land, providing it is in an appropriate location, of a scale appropriate to its location, and does not harm the Green Belt, conservation or enhancement policies.

The Council will not permit inappropriate development in the Green Belt, except in very special circumstances. In addition to the national policy, the following provisions shall apply to development in the Borough's Green Belt:

- Development involving the replacement, extension or alteration of buildings in the Green Belt will not be permitted if it will harm the need to retain smaller more affordable housing or the purposes of including land within the Green Belt.
- Limited infilling will not be considered to be inappropriate development within the Green Belt settlements, providing this would not have an adverse effect on the character of the settlements. Limited infilling shall be interpreted as the filling of a small gap within an otherwise built-up frontage with not more than two dwellings.
- The reasonable expansion of established businesses into the Green Belt will be allowed where the proposal would make a significant contribution to the local economy or employment, providing that appropriate mitigation can be secured.
- Where the re-use of buildings or land is proposed, the new use, and any associated use of land surrounding the building, should not conflict with, nor have a materially greater impact on, the openness of the Green Belt and the purposes of including land in it, and the form, bulk and general design of the buildings shall be in keeping with their surroundings.
- Where waste management operations involving inappropriate development are proposed in the Green Belt, the contribution of new capacity towards the treatment gap identified in the Borough may amount to very special circumstances, providing the development accords with the waste management policy of this Plan.

The small settlements of Hampton-in-Arden, Hockley Heath, Meriden and Catherine de Barnes are inset in the Green Belt and are not therefore subject to Green Belt policy. Nevertheless, the Council, in considering applications for development in these settlements, will take into account the importance of their rural setting and of their attributes, such as historic buildings, open space, density of development, landscape and townscape that contribute towards their special character. Immediately beyond the inset boundary, strict Green Belt policies will apply.

## Policy P18 deals with Health and Well Being

### **POLICY P18 Health and Well Being**

The potential for achieving positive health outcomes will be taken into account when considering all development proposals. Where any adverse health impacts are identified, the development will be expected to demonstrate how these will be addressed or mitigated.

The Council will expect new development proposals to promote, support and enhance physical and mental health and well being. Support will be given to proposals which:

- i. Provide opportunities for formal and informal physical activity, exercise opportunities, recreation and play;
- ii. Contribute to a high quality, attractive and safe public realm in accordance with Policy P15 Securing Design Quality, to encourage social interaction and facilitate movement on foot and by cycle;
- iii. Contribute to the development of a high quality, safe and convenient walking and cycling network;
- iv. Improve the quality and quantity of the green infrastructure network in the Borough, particularly in the North Solihull Regeneration Area and in areas where green infrastructure is identified as lacking. The protection and enhancement of physical access, including public rights of way to open space and green infrastructure will also be supported;

- v. Deliver new and improved health services and facilities in areas where they can be accessed by sustainable transport modes. Facilities for primary medical care should be identified and planned for;
- vi. Increase access to healthy food by sustainable transport modes and provide opportunities for growing local produce. The Council will resist the loss of areas which currently enable local produce to be grown;
- vii. Provide additional homes which are designed to meet the needs of older people and those with disabilities, and housing which enables older people to downsize from larger homes; and
- viii. Improve the energy efficiency of housing.

### National Planning Policy Framework (NPPF) (February 2019)

The NPPF is clear that sustainable development should be supported. The NPPF confirms the presumption in favour of sustainable development and states that development proposals for sustainable development that comply with Local Plan policy should be approved without delay.

Paragraph 11 of the NPPF sets out support for the sustainable development. The relevant part of paragraph 11 states,

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Green Belt policies of the NPPF are relevant.

Paragraph 134 sets out the purposes of including land in the Green Belt.

134. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 146 sets out appropriate forms of development in the Green Belt. This includes.

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

### Solihull Local Plan Review

The Council is currently carrying out a Local Plan Review.

The Local Plan has been deposited with the Planning Inspectorate and is due to go through the Examination in Public process.

### 5. RELEVANT PLANNING HISTORY

The following applications are relating to the site are relevant.

**Two storey side extension, car parking and change of use from office (B1(a) use Class) to children's day nursery (D1 Use Class).**

970 Stratford Road Shirley Solihull B90 4ED

Ref. No: PL/2020/00385/PPFL | Received: Wed 19 Feb 2020 | Validated: Wed 19 Feb 2020 | Status: Decided

**Discharge condition No. 3- Materials on planning approval PL/2019/01970/PPFL- Two storey side extension, car parking and associated works.**

970 Stratford Road Shirley Solihull B90 4ED

Ref. No: PL/2019/03116/DIS | Received: Fri 13 Dec 2019 | Validated: Fri 13 Dec 2019 | Status: Decided

**Two storey side extension, car parking and associated works.**

970 Stratford Road Shirley Solihull B90 4ED

Ref. No: PL/2019/01970/PPFL | Received: Fri 26 Jul 2019 | Validated: Fri 26 Jul 2019 | Status: Decided

**Certificate of lawful development for a proposed two storey side extension to form additional office space.**

970 Stratford Road Shirley Solihull B90 4ED

Ref. No: PL/2019/00846/CLOPUD | Received: Mon 25 Mar 2019 | Validated: Mon 25 Mar 2019 | Status: Decided

**Two storey side extension, car parking and associated works.**

970 Stratford Road Shirley Solihull B90 4ED

Ref. No: PL/2018/02085/PPFL | Received: Fri 20 Jul 2018 | Validated: Tue 24 Jul 2018 | Status: Decided

Application reference PL/2020/00385/PPFL remains extant but will not now be implemented following the Covid 19 Pandemic.

6. **PRINCIPAL ISSUES**

The application brings forward the following issues,

- ***Whether the proposed development is acceptable as a matter of principle.***
- ***Matters of design and access***

7. **AMPLIFICATION OF PRINCIPAL ISSUES**

**The Principle of the Proposed Development**

Policy P17 of the Local Plan confirms that inappropriate development in the Green Belt will be resisted unless Very Special Circumstances exist that outweigh the harm caused by inappropriateness and any other harm.

The policy echoes the NPPF policies when describing appropriate forms of development within the Green Belt.

The reuse of existing buildings within the Green Belt is an appropriate form of development subject to the building to be converted being of a permanent and substantial construction and, the new use must not have a greater impact on the openness of the Green Belt than the existing use.

The application site includes a modern office building that has recently been extended. The building is clearly of a permanent and substantial construction.

Moreover, there is an extant planning consent to change the use of the building from offices to a day nursery.

There has been no change to the material circumstances of the site since the extant consent was granted.

The overall principle of changing the use of the building therefore satisfies Local Plan and NPPF policy restrictions.

The existing and proposed use of the building both fall within the Class E uses set out in the 2020 Use Classes Order.

The approved day nursery would involve the use of the interior of the building together with external play areas and car parking.

The proposed use will take place entirely within the building. There is no requirement for the external space to be used in the same way as it would be if the day nursery use was to be implemented.

There will be general comings and goings from the site connected to staff, patients and servicing requirements. However, this is likely to have a lesser impact than the extant use as the external space will be used for nothing other than car parking, access and servicing.

The impact of the proposed use is less than the approved day nursery use. It is comparative with the general comings and goings that will be associated with the office use of the site.

The proposed change of use of the building is therefore an appropriate form of development that is supported by Green Belt policy.

Use classes B1 offices and D1 Medical facilities remain in place for Permitted Development purposes until the end of July 2021. After that date, the building could in theory be put to any use within the Class E Use Class without requiring a change of use application.

The Class E Use Class has been introduced to allow more flexibility in how buildings can be used.

It is also a strong fall-back position for the applicant who could legitimately change the use of the building within the Class E uses after the end of July 2021.

There is no condition attached to the site that would prevent this from happening.

The principle of reusing the existing building therefore complies with the requirements of policy P17 of the Core Strategy and paragraph 146 of the NPPF.

**The design and external appearance of the building**

The proposed development relates only to the interior of the building.

The external appearance of the building and site layout will be as approved by the extant planning consent. The land that was previously given over to play areas will remain as amenity space around the building.

The design and layout of the building is therefore acceptable.

### **Transport & Access**

The site has existing access from Stratford Road. The existing car parking area includes 22 standard spaces and 2 disabled spaces.

The site therefore has a good level of on-site car parking provision.

It is also necessary to consider a number of other matters.

The site is in the Green Belt but is in fact on the edge of the urban area. It fronts Stratford Road which is a major arterial route between Solihull, Birmingham City Centre and the M42 motorway.

The area is well served by public transport. It is not isolated and has excellent connectivity to the services and day to day facilities that are available in the urban area.

The site therefore offers a choice of transport options for staff and visitors to the premises. Moreover, it is reasonable to assume that the number of people located within the building will be similar between the permitted and proposed use of the premises.

The extant consent to convert the building into a day nursery is also a consideration. That use would include travel by employees, servicing of the building and the regular coming and going of parents dropping off and collecting children.

The proposed use will also involve staff, servicing and patient travel. This is consistent with extant day nursery use.

The planning policy situation is different from when the change of use to a day nursery was approved. The Use Classes Order was amended in September 2020. Prior to that, the office use and day nursery use would have been in different Use Classes as would the proposed health use of the site. The Use Classes Order 2020 introduced Class E. Class E includes

offices, medical or health services and day nurseries. Therefore, the existing, extant and proposed use of the site all fall within Class E.

The site therefore has the flexibility to move within the Class E Uses without having to undertake additional development such as changing the car park layout.

The building is modern and has been constructed to ensure that is accessible to all users and visitors.

### **Amenity Issues**

The site is not adjoined by other development. There are no residential properties that could be affected by the proposal.

The development raises no issues of visual or residential amenity

### **Other Matters**

The application will introduce a new health and well being use is a sustainable and accessible location.

This complies with indent V of policy P18 Health and Well Being of the Local Plan.

## **8. SUMMARY AND CONCLUSION**

The application relates to the change of use of a building and its curtilage from an office use to a medical and health care use.

The site has extant planning permission to be converted to a day nursery.

The extant day nursery consent has not been implemented following the Covid 19 Pandemic. An alternative use is now sought for the site.



The site is within the Green Belt where the conversion of existing buildings to alternative uses is an appropriate form of development.

The change of use of the building complies with policy as the building is structurally sound, there is no extension and the proposed use will not have a greater impact on the Green Belt than the approved use.

The site has excellent access and connectivity to all day-to-day services.

It is a sustainable location to provide development.

The Use Classes Order was amended in September 2020 to include Class E. The existing office use of the building, the extant day nursery use of the site and the proposed medical/health care use all fall within Class E. The change of use of the building is therefore compatible with the revised Use Classes Order and can be supported.

The access and vehicle parking arrangements are acceptable.

We trust that the information in this statement is of assistance and hope that the application can be supported.