

APPLICATION REFERENCE: PL/2021/03050/COU

Site Address: Roundmead Day Centre Crabtree Drive Fordbridge Solihull
Birmingham B37 5BU

Proposal:	Change of use from hall/meeting place for local community to Use Class E office.
Web link to Plans:	<p>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</p> <p>https://publicaccess.solihull.gov.uk/online-applications/</p>

Reason for Referral to Planning Committee:	The application has been submitted by or on behalf of the Council (Solihull Community Housing) and there has been at least one objection on land use planning grounds.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

The loss of the existing day care provision at the Roundmead Day Centre and the re-provision of the service at the Colebrook Day Centre nearby provides adequate alternative provision to meet the need of the local community in terms of day care services in the area. The loss of the community facility has therefore been adequately re-provided and accords with Policy P18 of the Local Plan and guidance in the Framework.

The scale and nature of the re-use of the building as an office is appropriate to its location. Combined with the amendments to the façade proposed, it ensures that the appearance of the character of the building and local distinctiveness is maintained in accordance with Policy P3(b) and P15 of the Solihull Local Plan.

The proposed use of the building as an office with a maximum of 5 staff working at any one time within it, is a low intensity use appropriate to its setting. The comings and goings to the proposed office by employees would have no materially greater impact on the amenities of the adjacent residents or Bosworth Medical Centre and would be of a lesser extent to the previous use. The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework.

The proposed change of use would not generate a significant increase in vehicle trips or demand for parking compared to the existing use(s) at the application site. The development would not have a severe impact on public highway safety, or on

the operation or capacity of the local highway network. The proposal therefore, accords with Policy P7 and P8 of the Local Plan and guidance in the Framework.

In coming to this recommendation, your officers have also taken into consideration representations received in respect to the proposal.

The proposal is therefore recommended for approval subject to the imposition of conditions.

MAIN ISSUES

The main issues in this application are:

- Principle of the change of use of the building to offices;
- The effect of the proposal on the character and appearance of the area;
- Impact of the proposed change of use on the amenities of adjacent residents; and
- What effects does the development have on highway safety and the free flow of the road network?

Other Material Considerations

- Public sector equality duty; and
- Human Rights.

RELVEANT PLANNING HISTORY

None

CONSULTATION RESPONSES

Statutory Consultees - The following Statutory Consultee responses have been received:

Fordbridge Town Council – No comments received.

Non Statutory Consultees - The following Non-Statutory Consultee responses have been received:

SMBC Drainage – No objection.

SMBC Highways – No objection.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

1 response was received. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Amenity

- The data mast proposed has a CCTV camera installed at a height of 6m and the applicant will need to demonstrate that camera coverage does not include the adjacent Chelmsley Wood Primary Care Centre and car parking areas, so the privacy of patients is maintained; and
- Question the purpose of a 15m mast in this residential area.

Character and Appearance

- The design is detrimental to the area in that the majority of windows are proposed to be bricked up; and
- The building cannot be beneficially used for the proposed use as Class E offices given that all existing WC and welfare facilities are being removed.

Highways

- The local area is already much over-subscribed by vehicles, which regularly presents operational issues for the health centre; and
- The proposed plans do not include any indication relating to the considered increase in traffic or parking for residential properties adjacent.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2021, the National Planning Practice Guidance.

Procedural Matters.

As part of the original submission a data mast was proposed to be sited adjacent to the building. During consideration of the matter, the applicant has confirmed that the data mast has been removed from the proposal and instead the use fibre optic cables to receive the data to the office is proposed.

Principle of the change of use of the building to offices.

Policy P18 Health and Well- being of the Local Plan confirms that the loss of community and social infrastructure will be resisted unless it can be demonstrated that:

- It can no longer continue for commercial or operational reasons;
- There are identified benefits of the use being discontinued;
- Adequate alternative provision can be made in a manner which meets the needs of the community affected.

Paragraph 93 of the Framework states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- c) guard against the unnecessary loss of valued facilities and services where this would reduce the community’s ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and retained for the benefit of the community.

The provision of day care services at the Roundmead Centre was reviewed and publicly consulted in 2019. It was determined by the Cabinet Member to consolidate the numerous day care facilities across the Borough to a smaller number of improved facilities and this meant the closure of the Roundmead Centre. The facility has now closed. The Council's operated day care facilities remain available and have been consolidated to the two following locations:

- The Maples at Park View, Monkspath Hall Road, Solihull, B91 3LU
- Colebrook Day Centre, 291 Bosworth Drive, Chelmsley Wood, B37 5D

Under time-limited permitted development rights, the building has been temporarily used as COVID test site.

Having regard to the provision of day care services at the Colebrook Day Centre nearby (edge of Chelmsley Town Centre), adequate alternative provision has been made which meets the need of the community in terms of day care services in the area. The loss of the community facility at Roundmead Centre has therefore been appropriately mitigated for via alternative provision and the proposal accords with Policy P18 of the Local Plan and guidance in the Framework. Neutral weight can therefore be attributed to the matter in the planning balance.

The effect of the proposal on the character and appearance of the area.

Policy P3(b) – Provision of land for General Business and Premises confirms that the Council will encourage the retention of small and medium sized enterprises, and the creation of new ones, both in urban and rural areas as a key economic driver and to help facilitate growth in a broad variety of locations, including North Solihull as a priority, subject to the following criteria:

- i. Form, use and scale are appropriate to the character of the particular location.
- ii. There is no significant harm to the local environment, including landscape quality and character.

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances the local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment. Further, developments will be expected to contribute to or create a sense of place.

The scale and nature of re-use of the building as an office is appropriate to its location with a maximum of 5 staff working at any one time and the character of the area set adjacent to Bosworth Medical Centre and its associated car parking.

The main building will remain unchanged apart from the external appearance of the building where it is proposed to be modified via the blocking up of a number of

windows on the rear and front elevation. The reasons for this is twofold, firstly to stop overlooking of residential properties adjacent and secondly for security purposes pursuant to the specific type of office use proposed. Removing windows from the main work area will also assist with limiting solar gain and temperature control within the office. It is proposed that lighting and ventilation are to be by artificial means, the details of the ventilation can be secured via condition (see condition 4) to ensure the location of the equipment is both appropriate to the building and neighbour amenity.

Having regard to the position of the building in the shadow of Bosworth Medical centre means these changes to the external appearance are only visible to a limited number of residents whilst the building itself makes little contribution to the public realm. To block up a number of windows of the building does result in limited areas of the front elevation appearing austere. Therefore, officers have negotiated with the Applicant to have inset brick panel in place of the window which provides more articulation breaking up the elevational detail and providing a more sympathetic design approach.

Welfare facilities are retained in their positions within the existing building providing for appropriate facilities for staff.

The scale and nature of the re-use of the building as an office is appropriate to its location. This combined with the amendments to the elevational detail ensure that the appearance of the character of the building and local distinctiveness is maintained in accordance with Policy P3(b) and P15 of the Solihull Local Plan. Limited positive weight can therefore be attributed to the matter in the planning balance.

The impact of the proposed change of use on the amenities of adjacent neighbours.

Policy P14 of the Solihull Local Plan 2013 seeks to protect the amenity of existing and potential occupiers of houses and businesses when considering new developments. Careful consideration must be made to the amenity of both existing neighbours as well as future occupiers. This policy is consistent with the NPPF and therefore carries significant weight.

The site lies adjacent to numbers 20 – 30 (evens) Crabtree Drive and Bosworth Medical Centre. The proposed use of the building as an office with a maximum of 5 staff working at any one time within it, indicates that the proposed office use is a low intensity use. The comings and goings associated with the use would be limited especially compared to the former use as a day care centre. The comings and goings would have no materially greater impact on the amenities of the adjacent residents or Bosworth Medical Centre. The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework. Neutral weight can be attributed to the matter in the planning balance.

The effect of the proposal on highway safety and on the free flow of traffic.

Paragraph 111 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact

on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 of the Framework confirms that within this context, applications for development should:

- a) Give priority first to pedestrians and cycle movements, both within the scheme and within neighbouring areas; and second – so far as possible- to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use

Policy P8 of the Solihull Local Plan requires all development proposals have regard to transport efficiency and highway safety.

Policy P7 of the LP states that all new development should be focussed in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access.

The development proposals include the change of use of the day care centre to an office use. The existing car parking area lies to the frontage of the application site and can accommodate up to four car parking spaces. According to the Council's Vehicle Parking Standards and Green Travel Plans SPD, an office with a floor area of 225sq.m would require a maximum provision of 10 car parking spaces.

Whilst the level of existing car parking does not meet the maximum level of car parking required, the applicant has highlighted that only 5 staff will be working within the building at one time and there is an existing public car park (Crabtree Drive Car Park) within the vicinity of the application site that could be used by staff or visitors. Further some staff will arrive via public transport. The Council's Highway Engineer notes that there are two bus stops located along Bosworth Drive within a walking distance of approximately 200m of the application site. The No.97 bus service operates at the bus stops, which offers a high frequency services approximately every 7 minutes between Chelmsley Wood and Birmingham City Centre providing a sustainable alternative mode of transport for employees.

The proposed change of use would therefore not generate a significant increase in vehicle trips or demand for parking compared to the existing use(s) at the application site. The Council's Highway Engineer is therefore satisfied that the development proposals would not have a severe impact on public highway safety, or on the operation or capacity of the local highway network.

The proposal therefore, accords with Policy P7 and P8 of the Local Plan and guidance in the Framework. Neutral weight can therefore be attributed to the matter in the planning balance.

Other issues

- Public sector equality duty.

In determining this application, officers must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors. It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic

- Human Rights.

In determining this request for approval, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

CONCLUSION

The loss of the existing day care provision at the Roundmead Day Centre and the re-provision of the service at the Colebrook Day Centre nearby provides adequate alternative provision to meet the need of the local community in terms of day care services in the area. The loss of the community facility has therefore been adequately re-provided and accords with Policy P18 of the Local Plan and guidance in the Framework. Neutral weight is therefore be attributed to the matter in the planning balance.

The scale and nature of the re-use of the building as an office is appropriate to its location. Combined with the amendments to the façade secured it ensures that the appearance of the character of the building and local distinctiveness is maintained in accordance with Policy P3(b) and P15 of the Solihull Local Plan. Limited positive weight is therefore be attributed to the matter in the planning balance.

The proposed use of the building as an office with a maximum of 5 staff working at any one time within it, is a low intensity use appropriate to its setting. The comings and goings to the office by employees would have no materially greater impact on the amenities of the adjacent residents or Bosworth Medical Centre and would be of a lesser extent to the previous use. The proposal therefore accords with Policy P14 of the Local Plan and guidance in the Framework. Neutral weight is therefore be attributed to the matter in the planning balance.

The proposed change of use would not generate a significant increase in vehicle trips or demand for parking compared to the existing use(s) at the application site.

The development would not have a severe impact on public highway safety, or on the operation or capacity of the local highway network. The proposal therefore, accords with Policy P7 and P8 of the Local Plan and guidance in the Framework. Neutral weight is therefore be attributed to the matter in the planning balance.

In coming to this recommendation, your officers have also taken into consideration representations made in respect to the proposal.

The proposal is therefore recommended for approval subject to the imposition of conditions.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 - Compliance with all plans.
2. CS05 - Commencement within 3 years – full.
3. The brick panel insert window panels hereby approved shall match in colour, texture and brick bond those of the existing building. Where a close match cannot be found, or where the existing building consists of a mix of materials, no building works shall be commenced until material samples have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved schedule of materials.

To safeguard the visual amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.

4. CN16 - Air cond/mechanical vent to be installed.

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