

**Planning Statement for Change of use of an existing residential dwelling (Use Class C3) to office use (Use Class E) and additional hardstanding for the use of Heath Lodge Clinic.**

**1367, Warwick Road, Knowle, B93 9LW.**

**On behalf of CMC Imaging Services Ltd.**

Date: March 2024 | Pegasus Ref: P23-2481

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## Document Management.

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# 1. Introduction

- 1.1. This Planning Statement has been prepared by Pegasus Group, on behalf of CMC Imaging Services Ltd (hereafter referred to as the "Applicant"). The Statement supports a full planning application for the change of use of an existing residential dwelling (Use Class C3) to office use (Use Class E) and additional hardstanding for the use of Heath Lodge Clinic at 1367, Warwick Road, Knowle, B93 9LW (hereafter referred to as the "Site").
- 1.2. Heath Lodge Clinic currently operate from the neighbouring site at 1357, Warwick Road. The Applicant has purchased the Application Site with the intention of operating from the premises for office based business operations associated with the imaging clinic. The applicant is seeking to relocate its office based, administrative operations from the existing clinic to the Application Site, to enable better use of the rooms at Heath Lodge Clinic for patient services rather than office space and help deliver more efficiently managed business operations.
- 1.3. The applicant opened Heath Lodge Clinic in 2009. The centre provides a diagnostic and treatment facility, offering open magnetic resonance imaging ("MRI") scans, ultrasound, X-ray and pain management services. CMC Imaging provides affordable, inclusive and accelerated access for patients where approximately 90% of patients are self-funding or are scanned on behalf of the NHS.
- 1.4. Demand for the services of Heath Lodge Clinic has increased significantly, and within their current premises there is insufficient space for patient parking. Also, there is insufficient capacity to provide their specialist services, including preliminary consultation with clients which has resulted in the turning away of patients. The proposed change of use of 1367 Warwick Road would enable Heath Lodge Clinic to undertake increased preliminarily consultation with clients at the existing Clinic site, provide capacity for clinical meetings and deliver improved administrative services associated with the Clinic to meet the increased needs and requirements of patients.
- 1.5. The following sections of this Statement identify the relevant issues pertinent to the consideration of the application submission and include:
  - A description of the application site and the surrounding area, including details of the site's recent planning history;
  - A description of the application proposals;
  - An overview of relevant planning policy; and
  - An assessment of the application proposals against the Development Plan, and relevant material considerations such as the National Planning Policy Framework (NPPF).



16. In accordance with statutory and local information requirements, the following supporting material is submitted alongside this Planning Statement, which will enable a full assessment of the proposals to be undertaken:
- Application Forms inc. Ownership certificates, duly completed.
  - Plans:
    - Site Location Plan (191-TAA-XX-ZZ-DR-A-0001 – PO1);
    - Existing Site Plan (191-TAA-XX-ZZ-DR-A-0100 – PO1);
    - Existing Roof Plan (191-TAA-XX-00-DR-A-0301 – PO1);
    - Existing Elevations (191-TAA-XX-ZZ-DR-A-0300 – PO1);
    - Existing Elevations (191-TAA-XX-ZZ-DR-A-0401 – PO1);
    - Existing Ground Floor Plan (191-TAA-XX-00-DR-A-0200 – PO2);
    - Existing First Floor Plan (191-TAA-XX-01-DR-A-0201 – PO2);
    - Proposed Office Allocation (91-TAA-XX-00-DR-A-1200 – PO1; and
    - New Hard Surfaces (191-TAA-XX-ZZ-DR-A-1001– PO2).
17. This application is submitted to seek approval for the change of use of an existing residential dwelling (Use Class C3) to office use (Use Class E) and additional hardstanding for the use of Heath Lodge Clinic at 1367, Warwick Road.
18. This Statement will assess all the planning aspects associated with the application proposals, with reference to the above supporting information, which forms the planning application. It will be shown that the proposal overall accords with the Development Plan and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.

## 2. Site and Surroundings

- 2.1. The site as identified on the 'Existing Site Plan' which accompanies this application submission comprises a residential dwelling, with associated outbuildings, garage building, hardstanding driveway and soft landscaped front and rear gardens as shown on the Existing Site Plan which accompanies this submission. The site boundary totals an area of 2,193sqm (0.2193ha).
- 2.2. The existing residential property comprises a five bedroom property, split between two bedrooms on the ground floor and three on the first floor as shown on the existing floor plans which accompany this submission. Mature vegetation forms all site boundaries.
- 2.3. The site is accessed via an existing dropped kerb access off Warwick Road (A4141) which runs between Solihull and Birmingham to the north and Knowle and Warwick to the south, shown on the photo below. The stretch of Warwick Road the site is located includes a segregated cycle path.

**Photo 1: Existing Site Access**



- 2.4. The site is located in Copt Heath, amongst existing development along Warwick Road, approximately 1.5 km west of Knowle village centre and less than 1 km from junction 5 of the M42 and falls within the Green Belt.
- 2.5. The developed area along Warwick Road local to the site is predominantly residential in nature but there are a variety of uses present including: the neighbouring Heath Lodge Clinic,



the adjacent Copt Heath Golf Club as well as Birchmere House Care Home and Knowle Gate Care Home.

- 2.6. The site lies wholly within Flood Zone 1. It has a low probability of flooding and is also at low risk of surface water flooding as defined on the Government's online flood risk map. The site does not contain any listed buildings and is not in a conservation area.
- 2.7. The site is located within walking distance to bus stops (approx. 110m) on Warwick Road, which provide access to a number of bus services including 87, 87A, 88, 88A, 233, 513, 514, A7 and A8. Dorridge railway station, which is located approximately 3 km from the site and provides access to the national rail network, with direct rail connections to Solihull, Birmingham and Warwick plus London on a wider basis. To the north of the site is junction 5 of the M42, which provides access to the M5, M6 and M40 motorways.

## Planning History

- 2.8. A review of the planning public register on Solihull Borough Council's website has identified no available planning history records for the Site.
- 2.9. Planning applications on neighbouring sites include:

### Relevant planning history of Heath Lodge Clinic at 1357 Warwick Road

#### **Application Reference PL/2006/00764/CU**

Description of Development: Change of use from a dwelling house (Class C3 use) to a health centre (Class D1 use) with mr scanning unit and associated parking.

Address: 1357 Warwick Road Knowle Solihull B93 9LW

Decision: Permission granted 26<sup>th</sup> February 2007

#### **Application Reference PL/2018/01299/PPFL**

Description of Development: Two single storey extensions to existing clinic, expansion of existing car park and associated works.

Address: 1357 Warwick Road Knowle Solihull B93 9LW

Decision: Permission granted 27<sup>th</sup> July 2018

#### **Application Reference PL/2022/02167/PPFL**

Description of Development: Single storey front extension to accommodate MRI scanning facility, single storey rear extension to accommodate clinical rooms, installation of uninterrupted power supply unit and associated external enclosure.



Address: 1357 Warwick Road Knowle Solihull B93 9LW

Decision: Permission granted 12<sup>th</sup> December 2022

Relevant planning history of neighbouring sites on Warwick Road

**Application Reference PL/1994/O1560/FULL**

Description of Development: Change of use from residential to offices

Address: Birchmere Retirement And Care Home 1270 Warwick Road Knowle Solihull B93 9LQ

Decision : Permission granted 02<sup>nd</sup> March 1995

**Application Reference PL/2013/O2247/FULM**

Description of Development: Resubmission of planning application 2012/1569 for the demolition of 1333 Warwick road, development of a 60 bedroom care home with car parking/servicing area and landscaped grounds.

Address: 1333 Warwick Road Knowle Solihull B93 9LW

Decision: Permission granted 30<sup>th</sup> June 2014

2.10. Relevant planning appeals related to the proposal include:

**Appeal Reference APP/Q4625/C/15/3139465 (Application ref AP/2015/50027/REF)**

Description of Development: Retrospective change of use of dwelling house to office.

Address: 165 Buryfield Road Solihull B91 2BB

Decision: Appeal Dismissed 03<sup>rd</sup> May 2016. The appeal was dismissed on highways grounds due to the risk to the safety of road users in the vicinity of the property. However, within the case the Inspector considered the impact of the proposed office use located beyond the town centre on the viability of the town centre. The Inspector found that there is nothing in the wording of Policy P2 that would expressly rule out the use being carried on outside the town centre. The Inspector concluded that no harm to the viability of Solihull Town Centre would arise from a (then) Class B1 office use of the appeal property.





### 3. Proposed Development

3.1. The proposed development comprises a change of use from an existing residential dwelling (Use Class C3) to office use falling with Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and area of additional hardstanding.

3.2. The proposed development description is:

*“Change of use from an existing residential dwelling (Use Class C3) to office use (Use Class E) and additional hardstanding for the use of Heath Lodge Clinic”.*

3.3. Heath Lodge Clinic would occupy both the ground floor and the first floor at 1367, Warwick Road of the Application Site. Details of the proposed development can be found on the submitted drawings and documentation. For ease of reference, the main parts of the proposed development are described below.

#### **Operation of the use**

Heath Lodge Clinic have operated as a health centre from 1357 Warwick Road since December 2009, following the building’s conversion from a large detached dwellinghouse (in accordance with application PL/2006/00764/CU) and has subsequently been extended on numerous occasions to accommodate the expansion of the Clinic including recently within application references PL/2018/01299/PPFL and PL/2022/02167/PPFL.

3.4. This site would be used for the expansion of Heath Lodge Clinic, used for business operations compatible with office use such as administrative operations but not involved in patient care. Such operations includes booking patients, taking phone calls, issuing reports, accounts plus clinical meetings and general management. It would also be used for appropriate staff training in line with some of the new assessment criteria being implemented by the Clinic’s regulator ‘The Care Quality Commission’.

3.5. The proposed office use will provide sufficient space for the carrying out of administrative operations and will free up space currently used for administrative tasks associated with the use of Heath Lodge Clinic at 1357 Warwick Road. The freed up space will provide the option to use one or two of the rooms at Heath Lodge Clinic as consulting rooms to provide better service to patients.

3.6. The site would be used only by existing Heath Lodge Clinic employees, relocated from the Heath Lodge Clinic at 1357 Warwick Road. There would be no additional employees, rather a relocation and re-organisation of office based business operations at the site to provide better service for patients and deliver more efficient business operations.

3.7. Heath Lodge Clinic currently employ 35 staff, although mostly part-time and there on average are 25 employees on the current site next door each day. It is expected that 10 of those existing Heath Lodge Clinic employees will operate from the Application Site. As the



site is to be solely used for office based business operations, there will be no patients or members of the public visiting the site.

- 3.8. The proposed hours of operation from the site are in line with the existing use of Heath Lodge Clinic at 1357 Warwick Road. The proposed hours are 8am–8pm Monday to Friday and 9am–5pm Saturday. There will be no operation on Sundays or bank holidays.

#### **Need for proposed development**

- 3.9. This application proposes the change of use of an existing dwelling to office use with additional hardstanding to provide suitable car parking arrangements on site, that will enable the better use of rooms at Heath Lodge Clinic for patient services rather than office space and increase the car parking provision for patients at the clinic as less staff will be accessing the current site.
- 3.10. As described previously, Heath Lodge Clinic is a diagnostic and treatment facility offering open MR imaging/scans, ultrasound, X-ray and pain management services. The clinic provides affordable, inclusive and accelerated access for patients who are looking to fund their own investigations which indirectly can offset the negative impact of NHS waiting times. CMC Imaging Services Ltd also provides direct services to the NHS and to lesser extent, other diagnostic facilities. Approximately 90% of patients are self-funding or are scanned on behalf of the NHS. In recent years, the clinic has seen an increase in referrals by local GPs and self-referrals by local residents to Heath Lodge Clinic.
- 3.11. The clinic caters for a wide range of people and specialises in offering appointments to patients who are claustrophobic and have been unable to tolerate MRI scanners elsewhere, such as NHS Hospitals. In addition, the business is able to accommodate the specific needs of bariatric patients who otherwise would be precluded from undergoing MR imaging because of their body weight and size.
- 3.12. The clinic has been experiencing increasing demand from both private clients and NHS referrals for health service provision. The increased demand for business services has led to increasing need for administrative operations to be carried out associated with the business, to manage requests for health services.
- 3.13. The proposed change of use would relocate and increase the space for administrative office based business operations to be carried out, to more efficiently manage the demand for services and help the business manage operations more effectively. The proposed space for administrative business operations to be carried out will relocate office based tasks currently operating within Heath Lodge Clinic to enable the better use of the rooms at Heath Lodge Clinic to improve the health service provided for patients and provide options to deliver consultancy rooms to better respond to patient's needs.
- 3.14. The additional capacity to manage patients will allow Heath Lodge Clinic to greater meet the demands of patients and respond to the growing need for a more organised, expanded



business operation demonstrated through the current long waiting times and lists for access to the Clinic's health services.

- 3.15. Patients want and expect the very best treatment standards. The proposed development is required to enable Heath Lodge Clinic to achieve these standards, ensuring patients can contact the business and be managed effectively through expanded administrative operations associated with the business.
- 3.16. The increasing demand for the Clinic's services has led to parking constraints for patients. By delivering this proposal neighbouring the existing Clinic, it will allow existing employees to park at the application site whilst easily being able to walk to the Clinic site, rather than parking at 1357 Warwick Road. This will free-up parking capacity at Heath Lodge Clinic for the use of patients, to enable the business to provide a better service to patients and avoid issues with parking capacity.
- 3.17. The proposed development will undoubtedly help Heath Lodge Clinic respond to the increased demand for its services and provide a better service to patients by improving the administrative business operations and providing more parking which will work for employees due to its neighbouring location to the Clinic and the ability to easily walk between sites. This will help to ensure patients are not forced to look further afield due to a lack of capacity within the Clinic, with the consequential reduction in service and knock-on effect on local employment, services and the service provided to the NHS.

#### **Internal layout**

- 3.18. The application proposal comprises no changes to the internal layout at the site. The existing internal layout will be used for office use as shown on the 'Proposed Office Allocation' plan which accompanies this submission.

#### **External works**

- 3.19. The proposal includes the development of an area of additional new hard paving within the curtilage of the dwelling on site, adjoining the existing hard paved driveway as shown on the 'New Hard Surfaces' plan. The development of new hard paving will cover an area of 105 sqm and will form an addition to the existing 373 sqm of hard paving at the site.
- 3.20. The new hard surfacing will be laid of permeable paving. Additionally, the area of existing hard paving to the east of existing dwelling will be levelled and resurfaced with the same permeable paving.

#### **Parking arrangements**

- 3.21. The existing access to the site from Warwick Road will remain the same. The site currently comprises an existing hard paving driveway for access and car parking. The area of additional new hard paving will be laid to provide suitable parking arrangements at the site, as shown



on the parking spaces labelled 4-10 on the 'New Hard Surfaces' plan which accompanies this application.

- 3.22. The proposed new hardstanding and area of resurfaced hardstanding will provide suitable car parking arrangements on site, providing car parking spaces for 10 cars with capacity for additional overspill of 6 cars including use of the existing garage.

## 4. Relevant Planning Policy

- 4.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### Development Plan

- 4.2. The Site falls within the administrative boundary of Solihull Metropolitan Borough Council and the Knowle, Dorridge & Bentley Heath Neighbourhood Area. The statutory Development Plan for the site comprises the Solihull Local Plan: Shaping a Sustainable Future (adopted December 2013) and the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018 – 2033 (made April 2019). The following policies are relevant to this proposal.

### Solihull Local Plan: Shaping a Sustainable Future (Adopted December 2013)

- 4.3. **The Solihull Council Local Plan ‘Policy Map’** (adopted December 2013) defines policy areas across the Borough. It defines areas of the Borough which are located within the Green Belt, including the area where the site the subject of this application is located.
- 4.4. **Policy P2 (Maintain Strong, Competitive Town Centres)** states that proposals for main town centre uses will be expected to locate in Solihull Town Centre and/or Shirley and Chelmsley Wood town centres. The policy states that proposals for main town centre uses elsewhere, that do not accord with the policies and proposals of this local plan, will be considered in the light of the requirements of the National Planning Policy Framework.
- 4.5. **Policy P3 (Provision of Land for General Business and Premises)** states 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.
- 4.6. **Policy P7 (Accessibility and Ease of Access)** sets out that all new development should be focused in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access. The Council set out that development will be expected to meet the following accessibility criteria, unless justified by local circumstances and that proposals for change of use are likely to be resisted if they reduce accessibility to levels below those listed below, inter alia:
- 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.

- 4.7. **Policy P8 (Managing Demand for Travel and Reducing Congestion)** states that proposals should have regard to transport efficiency and highway safety and should promote and encourage the use of sustainable forms of transport.
- 4.8. **Policy P14 (Amenity)** states that 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. The Council will support proposals which consider the location and design of new developments so as to minimise the visual and other amenity impacts. The policy sets out a list of requirements in order to fulfil the Council's aim of protecting and enhancing amenity.
- 4.9. **Policy P15 (Securing Design Quality)** sets out a series of key principles which new development should following in order to achieve good quality, inclusive and sustainable design. Proposals should conserve and enhance local character, distinctiveness and streetscape quality and ensure that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment.
- 4.10. **Policy P17 (Countryside and Green Belt)** reflects the NPPF where development in the Green Belt will be considered inappropriate except in very special circumstances. The policy states in addition to national policy, the following provisions shall apply to development in the Borough's Green Belt:
- 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.
- 4.11. **Policy P18 (Health and Well Being)** states that the potential for achieving positive health outcomes will be taken into account when considering all development proposals. Support will be given to proposals which deliver new and improved health services and facilities in areas where they can be accessed by sustainable transport modes.

## **Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018–2033 (January 2019)**

- 4.12. The Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018 – 2033 was made April 2019 and as set out by Solihull Council, will be used to help determine planning applications in the Neighbourhood Area. The following policies are relevant to this proposal.

- 4.13. **Policy VC1 (Green Belt and Landscape)** sets out that National and Solihull Local Plan Green Belt policies will apply in the relevant parts of the plan area.
- 4.14. **Policy T4 (Cycling Infrastructure)** sets out that any proposals involving new buildings for employment use, or that will be open to visiting members of the public should incorporate adequate facilities for the secure storage of bicycles.
- 4.15. **Policy E3 (Business Centre)** states that proposals for the erection, or change of use, of a building to provide a business centre will be granted provided that it complies with the following points:
- adequate car parking and servicing is available;
  - retail uses are precluded unless the site is within a centre;
  - the premises are in a suitable location in relation to neighbouring uses;
  - there are no material effects on residential amenity;
  - there is no material harm to the appearance or character of the area; and
  - it complies with national guidance and Local Plan Policies.

## Material Considerations

### National Planning Policy Framework (December 2023)

- 4.16. **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development and for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 4.17. **Paragraph 38** states that the local planning authorities should approach decision making on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield register and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.18. **Paragraph 85** states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

- 4.19. **Paragraph 89** states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 4.20. **Paragraph 91 and 92** states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The framework clarifies that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The framework also states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre and both applicants and local planning authorities should demonstrate flexibility on such issues.
- 4.21. **Paragraph 96c** focuses on the importance of identifying and addressing local health and well-being needs.
- 4.22. **Paragraph 97d** states that planning decisions should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 4.23. **Paragraph 115** states 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.
- 4.24. **Paragraph 142** states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.25. **Paragraph 143** states that the 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.
- 4.26. **Paragraph 152 and 153** states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The policy states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances'



will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.27. **Paragraph 154** states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, inter alia:

*g) "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority".*

4.28. **Paragraph 155** states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include, inter alia; engineering operations.

## **Emerging Solihull Local Plan Review**

4.29. The Solihull Local Plan Review has reached a late stage in the plan-making process and its policies can therefore be considered to have some decision-making weight.

4.30. The Solihull Local Plan was submitted to the Planning Inspectorate for examination in May 2021. Examination hearings were held between September 2021 and February 2022, after which the Inspectors issued a letter on 17 February 2023 raising "significant issues of soundness" although it was agreed that the Council's spatial strategy was broadly acceptable as were a number of its proposed residential site allocations. In February 2024, Solihull Council confirmed that they aren't seeking to withdraw the Plan but do want the opportunity to submit representations on how the NPPF changes may affect it. Currently the examination of Solihull's Local Plan review remains paused following the Council's review of the publication of the revised NPPF.

4.31. It remains unclear when the Local Plan Review will be adopted and its policies will carry full weight. However, the emerging policies most relevant to this planning application are identified below.

4.32. **Emerging Policy P2 (Maintain Strong, Competitive Town Centres)** states that proposals for main town centre uses will be expected to locate in Solihull Town Centre and/or Shirley and Chelmsley Wood town centres. The policy states that proposals for main town centre uses elsewhere, that do not accord with the policies and proposals of this local plan, will be considered in light of the requirements of the National Planning Policy Framework.

- 4.33. **Emerging Policy P3 (Provision of Land for General Business and Premises)** sets out 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 and to help facilitate growth in a variety of locations.
- 4.34. **Emerging Policy P8 (Managing Travel Demand and Reducing Congestion)** provides support for proposals which seek are located to reduce the need to travel by car, promote linked trips, do not have unacceptable highway safety impacts and take an evidence-based approach to car parking provision.
- 4.35. **Emerging Policy P14 (Amenity)** states that proposals for changes of use will be expected to safeguard the amenities of existing and future occupiers of homes and businesses.
- 4.36. **Emerging Policy P15 (Design Quality)** requires development proposals to be of high quality design, having regard to local character and distinctiveness. The design and layout should, among other things, promote health and wellbeing and make efficient use of land.
- 4.37. **Emerging Policy P17 (Countryside and Green Belt)** requires very special circumstances to justify inappropriate development in the Green Belt. The emerging policy states that 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. Additionally, the emerging policy sets out that in considering proposals for inappropriate development in the Green Belt, the following factors may be taken into account as very special circumstances:
- 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.
- 4.38. **Emerging Policy P18 (Health and Wellbeing)** states that the Council will, with its partners, create an environment that supports positive health outcomes. The policy states that all new developments will be expected to promote, support and enhance physical and mental wellbeing, including by delivering new and improved health services and facilities in areas accessed by sustainable transport methods.

## 5. Assessment of Proposal

- 5.1. This section of the Planning Statement provides an assessment of the proposed development against the statutory Development Plan and material considerations, including the National Planning Policy Framework.

### Principle of Development

- 5.2. The principle of the proposed change of use from residential (Use Class C3) to office use (Use Class E) is considered to be acceptable and in accordance with the adopted and emerging Solihull Local Plan and other material considerations.
- 5.3. Both the adopted and emerging versions of Policy P18 provide support for development in the Borough that achieves positive health outcomes, including improved health services and facilities. As discussed, the proposal will provide sufficient space for the carrying out of administrative operations and will free up space currently used for administrative tasks associated with the use of Heath Lodge Clinic at 1357 Warwick Road. The freed up space will provide the option to use one or two of the rooms at Heath Lodge Clinic as consulting rooms rather than office space, to provide better services to patients and well as provide increased patient parking at the Clinic.
- 5.4. Given that the site is located in the Green Belt, Policy P17 of the Local Plan is of particular relevance to the proposals. Policy P17 expands upon the exceptions to the general rule that development is inappropriate in the Green Belt as set out in paragraphs 154 and 155 of the NPPF. Policy P17 states that *"the reasonable expansion of established business 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."*
- 5.5. The interpretation of this component of Policy P17 was considered by the High Court in 2015 (Pertemps Investments Limited v Secretary of State for Communities and Local Government), which confirmed that *"established businesses"* referred to in the policy should encompass all established businesses and not just a selected few (namely Jaguar Land Rover and Whale Tanker). Heath Lodge Clinic is an established business, with very close ties to the NHS, which is a major employer across the United Kingdom. The principle of allowing the change of use of 1367 Warwick Road for the purposes of operating for administrative business operations associated with Heath Lodge Clinic and facilitate the businesses reasonable expansion is therefore supported by Policy P17.
- 5.6. The proposed change of use involves a small-scale office use alongside minor external works of hard paving which is small and uncontentious in terms of the sort of expansion that Policy P17 would allow. Despite the relatively small-scale changes, the proposals will undoubtedly improve the service and care available to patients, while allowing the business to function more efficiently. The relocation and expansion of space for administrative office based business operations from the site will allow the business to prosper and provide a better service for patients and is therefore wholly supported by policies P17 and P18.

5.7. Better service for patients will also be delivered through increased car parking provision at Heath Lodge Clinic at 1357 Warwick Road, as spaces currently used by existing employees will be freed up as they will have the benefit of parking at the Application Site, 1367 Warwick Road due to its close proximity to Heath Lodge Clinic meaning they can easily walk between sites and operate in conjunction. This will deliver parking suitable to respond to the existing patient need at Heath Lodge Clinic, and accords with both Emerging Policy P8 of taking an evidence based approach to parking provision and Policy P8 by improving highway safety.

5.8. In addition, Policy E3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan supports proposals for the change of use of a building to a business centre subject to compliance with key criteria. The proposed development is considered to meet these criteria as follows:

- *Adequate car parking and servicing is available;* – The proposal has taken an evidence based approach to car parking provision and it is expected that 10 staff will operate from the site each day, all relocated from the adjacent site. The proposal includes sufficient parking provision of 10 parking spaces with an additional 6 overspill spaces for utilisation when necessary.
- *Retail uses are precluded unless the site is within a centre;* – The proposal is for the change of use to office use (Use Class E) for administrative operations associated with Heath Lodge Clinic and includes no retail use.
- *The premises are in a suitable location in relation to neighbouring uses;* – The proposed development is suitably located where existing alternative uses are located within the immediate proximity along Warwick Road, including the neighbouring Heath Lodge Clinic, Copt Heath Golf Club and care homes.
- *There are no material effects on residential amenity;* – The proposed development has given careful consideration to residential amenity through both the nature of the proposed use and hours of operation meaning there would be no material effects on residential amenity.
- *There is no material harm to the appearance or character of the area;* – The proposed development consists of only minor external works of additional hard paving adjoining the existing driveway within the curtilage of the dwelling on site would be viewed as part of the existing dwelling. The works would not present a non-residential character and causing of no material harm to the appearance nor character of the area.
- *It complies with national guidance and Local Plan Policies;* – This planning statement demonstrates the proposed development overall complies with national and local planning policies.

5.9. The proposed 'office' use is included in the NPPF glossary as a 'main town centre use' although no further detail is given to the format and scale. In line with national policy, a sequential test should be applied for main town centre uses which are neither in an existing

centre nor in accordance with an up-to-date plan. Paragraph 92 of the NPPF also states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites and local planning authorities should demonstrate flexibility on such issues.

- 5.10. Policy P2 reiterates the 'town centre first' approach to decision making and that proposals that do not accord with the policies of the local plan, should be considered in the light of requirements in the NPPF.
- 5.11. The site is located neighbouring to the existing Heath Lodge Clinic premises which have operated as Health Clinic in commercial use since 2009 where the Council granted the change of use from a residential dwelling. It demonstrates that whilst the area is predominately residential, Warwick Road constitutes a main arterial road and a location where alternative uses including a clinic, golf club and care homes lawfully operate.
- 5.12. The nature of the proposed development means that it is necessary to be located within close proximity to the existing Heath Lodge Clinic at 1357 Warwick Road and therefore there would be no sequentially preferable properties suitable for the proposed use.
- 5.13. The proposed use for administrative business operations will operate in conjunction with the existing clinic premises, allowing employees to walk between both premises and make linked trips, therefore operating cohesively meaning a neighbouring location is essential, particularly to deliver the benefits of the proposal for existing patients to the clinic operations on the adjacent site, such as increased parking provision. The site is located beyond any settlement boundaries or defined centres and therefore operating from within a town centre boundary in line with requirements of the NPPF would not be suitable nor viable for Heath Lodge Clinic and its required business operations.
- 5.14. Additionally, although classified as an 'office use', the site's proposed use will be in conjunction with the existing Heath Lodge Clinic to carry out administrative tasks related to the existing use as a health clinic. Therefore, whilst the NPPF definition of main town centre uses includes reference to 'offices', no further detail is given as to format and scale and paragraph 92 states that local planning authorities should have flexibility on such issues. The site's proposed use does not reflect typical large scale office uses which should be directed towards a defined centre, but rather forms an addition to the neighbouring Heath Lodge Clinic where small scale office based, administrative, business operations will be carried out in association with an existing, well established business.
- 5.15. A similar case within Solihull Council involving a change of use application from a residential dwelling to a small office based operation beyond defined town centre boundaries was considered by the Planning Inspectorate within appeal ref APP/Q4625/W/15/3139463 in 2016. The inspector assessed Policy P2 and determined that that there is *"nothing in the wording of this policy that would expressly rule out the use as applied for being carried on outside the town centre. The reasoned justification for the policy, at paragraph 7.4.6, merely notes the town centre as an appropriate location for a broad range of town centre uses, including offices."* The inspector concluded that no harm to the viability of the town centre arises and that no conflict arises with regard to the aims of local plan Policy P2.

- 5.16. Therefore, a detailed sequential test is not required. Due to the requirement of the proposed development to be located within close proximity to, and associated with the existing Heath Lodge Clinic, there would be no suitable alternative sites where the Clinic could operate viably for administrative business operations allowing employees to walk between both sites and for both sites to operate in conjunction for the reasons as set out in Section 3 of the need for the proposed development. Additionally, although Policy P2 sets out the Council's town centre first approach, as reiterated by the Inspector in previous cases, an application for a small scale office use which this application accords with would not cause harm to the vitality of nearby town centres and therefore does not conflict with the aims of Policy P2.

### **Development in the Green Belt**

- 5.17. The application site falls within the Green Belt as defined on the Local Plan Policy Map, where development is inappropriate but for a closed list of circumstances. Those circumstances where development is not inappropriate is set out in paragraphs 154 and 155 of the NPPF. It includes the partial or complete redevelopment of previously developed land and engineering operations, provided they do not conflict with the purposes of including land within the Green Belt and/or preserve the openness of the Green Belt.
- 5.18. As previously discussed, there are no proposed alterations to the internal or external layout of the existing building and the only proposed physical works involve an area of 105sqm additional hardstanding adjoining the existing hard landscaped driveway, which is accessed from the arterial Warwick Road, not adjoining any surrounding countryside.
- 5.19. Policy P17 requires development in the Green Belt to be acceptable within the terms of national planning policy alongside additional local policy considerations. In terms of national policy, paragraph 154 (g) states that the partial redevelopment of previously developed land is not considered inappropriate provided it would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.20. The proposed development of additional hardstanding would be within the curtilage of the developed land which is occupied by a permanent dwelling, with the proposed additional hardstanding adjoining the existing driveway. In line with national planning policy the proposed development at the site would constitute previously developed land.
- 5.21. Openness has both a spatial and visual aspect and in consideration of the proposal, the impact and harm on the Green Belt wrought by the change has been considered. The area of hardstanding would be laid adjoining the existing hard landscaped driveway within the curtilage of the existing dwelling, and between the existing site access from Warwick Road and the dwelling, screened by existing mature vegetation on all boundaries.
- 5.22. The proposed laying of an additional area of hardstanding adjoining the existing driveway would introduce additional development, but this additional development will not alter its perception in context as a driveway and parking area associated with the existing development on site. Utilising the existing site access will not detract any further from the



openness of the Green Belt nor have a greater impact on the purpose of including land within it.

- 5.23. In terms of activity generated from the additional hardstanding, the site would only be accessed by existing employees who at present access the neighbouring Heath Lodge Clinic site which is also located within the Green Belt, with no patients nor members of the public accessing the site. The proposed hours of use would be controlled to restrict use within anti-social hours. As such, there would be no material impact on the Green Belt caused by activity, as it will be accessed by employees already accessing the neighbouring site and would promote linked trips.
- 5.24. In visual terms, the proposed additional area of hard paving would carry no volume and have no visual impact on the openness of the Green Belt; it is being used for car parking purposes for existing staff of Heath Lodge Clinic. The proposed area of additional hard paving would be viewed as part of the existing driveway comprised of hard paving and the overall development on site. It would therefore have no material impact on the openness of the Green Belt.
- 5.25. In addition, Paragraph 155 of the NPPF states that development of engineering operations are not considered inappropriate provided they preserve the openness of the Green Belt which has been demonstrated above, and do not conflict with the purposes of including land within it.
- 5.26. The additional area of hard paving could constitute an engineering operation, comprising of hardstanding to provide suitable car parking arrangements to serve the proposed use, but could alternatively be developed to provide additional parking for a residential dwelling.
- 5.27. The proposed development would not conflict with the purposes of including land in the Green Belt as per NPPF paragraph 143 as follows, inter alia:
- 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.
- 5.28. The development would be retained within the curtilage of the existing development on site, therefore not causing of any unrestricted sprawl of large built up areas nor neighbouring towns merging.
- 5.29. Similarly, the development would be retained between the existing development of the dwelling on site, and the existing access point off Warwick Road. As such, the development would be wholly contained within the existing site and would not encroach into any surrounding countryside.
- 5.30. The development is wholly in accordance with Green Belt policy as set out in the development plan and national policy. The development of additional hardstanding



constitutes both partial redevelopment of previously developed land and an engineering operation, and is appropriate development in the Green Belt. In line with Paragraph 11 of the NPPF, the proposal is in accordance with the local development plan and should be approved without delay.

### **Highways**

- 5.31. The proposed development is in accordance with the accessibility level requirements set out in Policy P7. The site is well-located for access to public transport, with bus stops approx. 110m away, offering frequent services to and from Solihull, Coventry, Hockley Heath, Lode Heath and Balsall Common.
- 5.32. The site is also accessible via an existing segregated cycle route along Warwick Road and in accordance with Policy T4, could provide opportunities for cycle parking provision. The proposal is therefore supported by Policy P8, due to its suitable location which encourages the use of sustainable forms of transport.
- 5.33. The proposed development including the additional hardstanding will be served by a surface car park, providing car parking spaces for 10 cars with capacity for additional overspill of 6 cars. As discussed, the site will be used only by existing employees who currently work at the adjacent Clinic, and the activity can be strictly controlled.
- 5.34. The applicant considers the parking provision sufficient for the proposed staff use. The proposed development will also facilitate increased parking provision for patients at 1357 Warwick Road in response to increasing parking need. The proposal helps to deliver suitable parking provision across both sites and wholly accords with emerging Policy P8 which sets out that proposals should take an evidence-based approach to car parking provision as well as requirements set out in Policy E3 including adequate car parking provision for business centres.
- 5.35. In addition, the site is sustainably located, accessible via the arterial Warwick Road, with an existing site access suitable for the proposed use. The site's location neighbouring the existing clinic would promote linked trips, in accordance emerging Policy P8. Additionally, the sufficient parking provision within the curtilage of the site means there would be no parking beyond the allocated spaces as identified on the 'New Hard Surfaces' plan and deliver sufficient parking provision across both sites and would ensure highway safety in line with Policy P8.
- 5.36. As Paragraph 155 of the NPPF states, development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Therefore, the development is wholly in accordance with the development plan and is acceptable on highway grounds.

### **Character and appearance**



- 5.37. The physical development of the proposal comprises an area of 105sqm additional hard standing adjoining the existing driveway within the curtilage of the dwelling on site. There would be no internal or external alterations to the existing building on the site. The site comprises a detached building screened on all boundaries by mature vegetation.
- 5.38. The proposed physical development consisting of small scale changes of additional hardstanding would be viewed as part of the existing dwelling and would not present a non-residential character. Neighbouring properties consist of a significantly greater proportion of hard landscaped front gardens. Therefore, the proposed parking areas to the front and side of the property are not dissimilar than is typical for neighbouring residential dwellings, and the scale would not be jarring or evocative of a more commercial use.
- 5.39. As such the proposal would not have any adverse effect on the local character, distinctiveness, streetscape and landscape quality of the area and wholly accords with the principles of Policy P15.
- 5.40. By the nature of the use there will be a controlled number of staff driving to and from the site throughout operational hours of the day, with an anticipated 10 staff operating from the site each day. The site is accessed via the major Warwick Road which serves as a strategic movement road providing links between Solihull, Knowle and Warwick. The proposed staff movements to and from the site are movements of existing employees associated with Heath Lodge Clinic which happen currently from the neighbouring site, therefore there would be no increase in activity between both sites in terms of employee trips.
- 5.41. Staff generated noise as a result of the proposed use would be low and would not be perceptible outside the site and not be atypical to noise generated from a family home. In considering impact of noise on neighbouring occupants, the site context, located off a busy main road, set back from the main road and screened on all boundaries by mature vegetation would mean there would be adverse impact on the living conditions of neighbouring occupiers and therefore complies wholly with policies P14, Emerging P14 and E3.

#### **Socio-economic benefits**

- 5.42. As previously discussed, the proposed development consisting of the relocation and expansion of administrative office based business operations to the site will allow the business better use of rooms at Heath Lodge Clinic to provide a better service for patients rather than use for office space.
- 5.43. The location of administrative tasks neighbouring the existing clinic site is important, to allow existing employees to walk between the two sites and make linked trips which work for the existing employee base meaning both sites can operate in conjunction, suitable for business operations.
- 5.44. The site's location neighbouring the existing Heath Lodge Clinic is important when considering the amenity of existing employees of the business. The existing location of Heath Lodge Clinic is suitable for existing employees in terms of commuting distances and

accessibility via sustainable transport modes. Therefore, the location is suitable for existing employees to relocate, and carefully considers the amenity of existing business occupiers of Heath Lodge Clinic in accordance with Policy P14.

5.45. The proposal will facilitate business adaption to changing patient demands whilst appreciating existing employee needs and is wholly in accordance with local and national policies P3, P14, Emerging Policy P3, paragraph 85 and paragraph 97d.

5.46. In addition, the proposed development will facilitate the provision of more efficient and expanded business operations to improve the health service offering at Heath Lodge Clinic. This will lead to increased positive health outcomes in response to addressing patients demands and local health needs. This is supported by national and local policies P18, emerging policy P18 and Paragraph 96c.

#### **Environmental benefits**

5.47. The proposed development will have environmental benefits due to its location off Warwick Road, neighbouring the existing Heath Lodge Clinic. It will allow linked trips, has access to nearby bus stops and provides direct access from the existing segregated cycle path on Warwick Road. As such, the proposed development promotes the use of sustainable transport modes and results in positive environmental benefits associated with the reduction of car trips in accordance with Policy P8 and emerging Policy P8.

#### **Housing Mix**

5.48. The proposal would result in the loss of one detached residential property. The 2022 Housing Delivery Test measurements published by National Government in December 2023 sets out that Solihull Council are over delivering on their local housing need with a measurement of 110%. Therefore, whilst the proposed development would lead to a loss of one residential property, the development would only have a negligible impact and when considered against the significant socio-economic benefits of the proposal and the context of Solihull's housing delivery position, it is considered that there is no unacceptable impact on the supply of houses as a result of the development.

5.49. Conversely, the benefits arising from the ongoing improvements to the Clinic and the healthcare and facilities it offers as positive social benefits arising from the proposal.



## 6. Conclusions

- 6.1. Pegasus Group are acting on behalf of CMC Imaging Services Ltd ('the Applicant') to apply for the change of use of an existing residential dwelling (Use Class C3) to office use (Use Class E) and proposed additional hardstanding for the use of Heath Lodge Clinic at 1367 Warwick Road, Knowle, B93 9LW.
- 6.2. The proposed change of use and additional hardstanding will allow Heath Lodge Clinic to relocate office based operations to the site, facilitating the better use of space at Heath Lodge Clinic to deliver better service for patients with appropriate car parking provision and deliver more efficient business operations.
- 6.3. The proposed development would deliver the conditions which will support business growth and development and is wholly in accordance with national and local policy.
- 6.4. The proposal would bring a range of environmental, social, and economic benefits to the local area which have been discussed throughout the Planning Statement.
- 6.5. The proposal also ensures that the proposed development is consistent with National and Local Green Belt Policy.
- 6.6. Overall, this Statement has demonstrated that the proposed development accords with both national and development Plan policy and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted. It is considered that there are no reasons why planning permission should be withheld, and it is therefore requested that in accordance with Paragraph 11 of the NPPF, planning permission be granted without delay, subject to any reasonable and relevant conditions.

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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