

**Parish: Northallerton**  
Ward: Northallerton North & Brompton  
**11**

Committee Date: 15 September 2016  
Officer dealing: Mr K Ayrton  
Target Date: 2 September 2016  
Date of extension of time: 16 September 2016

**16/01560/FUL**

**Change of use from office (B1) to private physiotherapy clinic (D1)**  
**At Suite 1 Evolution Business Centre, Unit 6, County Business Park, Darlington Road,**  
**Northallerton**  
**For Mr Andrew Wilson**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application is referred to Planning Committee as the application site is owned by the Council.
- 1.2 The site relates to the Evolution Business Centre, which is a purpose-built, modern facility developed by Hambleton District Council. It is located on County Business Park to the north of Hambleton town centre. The facility provides a mix of office accommodation, conference and meeting facilities with access to a range of on-site support services.
- 1.3 The accommodation ranges in size from 25sqm to 75sqm. The facility is served by a secure car park.
- 1.4 The surrounding area comprises a mix of uses typical of those found on an industrial estate, including a timber merchant, heating centre, and small scale industrial units.
- 1.5 It is proposed to change the use of unit 6 (50 sq m) from B1 offices to D1 physiotherapy clinic. The proposal does not involve any internal or external alterations. The submitted Planning Statement confirms that the applicant is a chartered physiotherapist and has worked in private practice for over 20 years in Northallerton. They are currently based at The Wensleydale Suite at The Friarage Hospital in Northallerton. However, there is limited space to expand to meet the growing demands of the business.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 No relevant planning history.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP12 – Priorities for employment development  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP16 – Specific measures to assist the economy and employment  
Development Policies DP17 – Retention of employment sites  
National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

4.1 Parish Council – No Observations

4.2 Council Workspace Officer – Confirmed that the Evolution Business Centre opened in late 2009 as a managed office facility as this has been identified as a gap in the market for Northallerton. Unfortunately, completion of the building coincided with the economic downturn and take up of the office units has been slow. There are 30 suites available to rent of sizes 25, 30, 50 and 75 sq m. The 25 sq m suites are most popular. The occupancy levels quoted in the planning statement are accurate and it has been more difficult to let the larger suites; one of the 75 sq m suites has been converted to a conference room to assist with the running costs of the building and is a key activity within the centre.

The change of use of one of the 50 sq m suites to a physiotherapy clinic would not cause any issues to the current users of the building and would bring into use previously unoccupied space which would be seen as favourable. There would still be 6 larger suites available in the centre for any businesses looking to expand or larger businesses wanting to move in.

## 5.0 OBSERVATIONS

5.1 The main issues to consider are:

- Principle of Development
- Highways

### Principle of Development

5.2 The main issue to consider is the principle of the proposed use in this location. The lawful use of the unit is B1 office. Therefore consideration needs to be given to the impact of the loss of B1 office floorspace from the District's supply.

5.3 The supporting planning statement argues that the Evolution Business Centre currently has a 50% vacancy rate. It goes on to state that there is little prospect of this situation changing significantly in the foreseeable future. The supporting statement also claims that the proposed use will occupy larger offices, which are known to be more difficult to let.

5.4 The Council's Business and Development Team have confirmed that the statements are an accurate representation of the current circumstances.

5.5 Policy DP17 (retention of employment sites) states that sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted, unless it meets one of five criteria. These include (amongst others):

- i. The supply and variety of available alternative employment land is sufficient to meet District and local requirements.

5.6 It is noted that policy DP17 simply relates to the protection of employment sites. There is no definition (e.g. B1, B2 and B8) of what comprises an employment use in the policy and supporting text. In this instance, the proposed D1 use will generate a level of employment – the submitted application confirms that the business currently employs three members of staff, which include one physiotherapist, an accounts clerk and a secretary. There is also one associate physiotherapist who works with the

business. It is understood that it is also the intention to employ two additional members of staff including another physiotherapist and a physiotherapist assistant.

- 5.7 Having regard to the above, there is an argument to say that the proposal complies with the policy in that it retains an employment generating use. However, even if a different view were to be formed, the development could still be found to be acceptable if it complies with one of the exception criteria.
- 5.8 In this instance, having considered the submitted planning statement and comments from the Council's economy and development team, it is considered that the loss of the B1 unit would not have an adverse impact on the supply of employment land to meet the District and local requirements. Indeed it is noted that the Council's Workspace Officer has confirmed that 'there would still be 6 larger suites available in the centre for any business looking to expand or larger businesses wanting to move in'.
- 5.9 It is therefore considered that the proposal accords with criterion i of policy DP17.

#### Alternative Locations

- 5.10 The supporting statement simply states that 'other locations within the town that could accommodate a private physiotherapy practice as an alternative to the Evolution Business Centre have been considered. However, there are none that are as well suited to the business or currently available'. Whilst further information would have been welcomed, there is only a requirement to satisfy one of the criteria of policy DP17. It is also noted that a physiotherapist is not listed as a 'main town centre use' in the NPPF. Whilst it is acknowledged that the town centre would be a more sustainable location, there is no policy requirement to demonstrate why the D1 use cannot be located there.

#### Highways

- 5.11 The business centre is served by a car park, sited to the west and north of the building. This will be available to the users of unit 6 and has sufficient capacity for the D1 use proposed. Therefore the proposal will not be harmful to highway safety.

#### Conclusion

- 5.12 The proposed development will not have an adverse effect on the supply and variety of available employment land. Further, the proposed use will generate a level of employment that is comparable with the existing B1 use. Therefore the proposed development is considered to accord with the requirements of all relevant Local Development Plan policies.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.