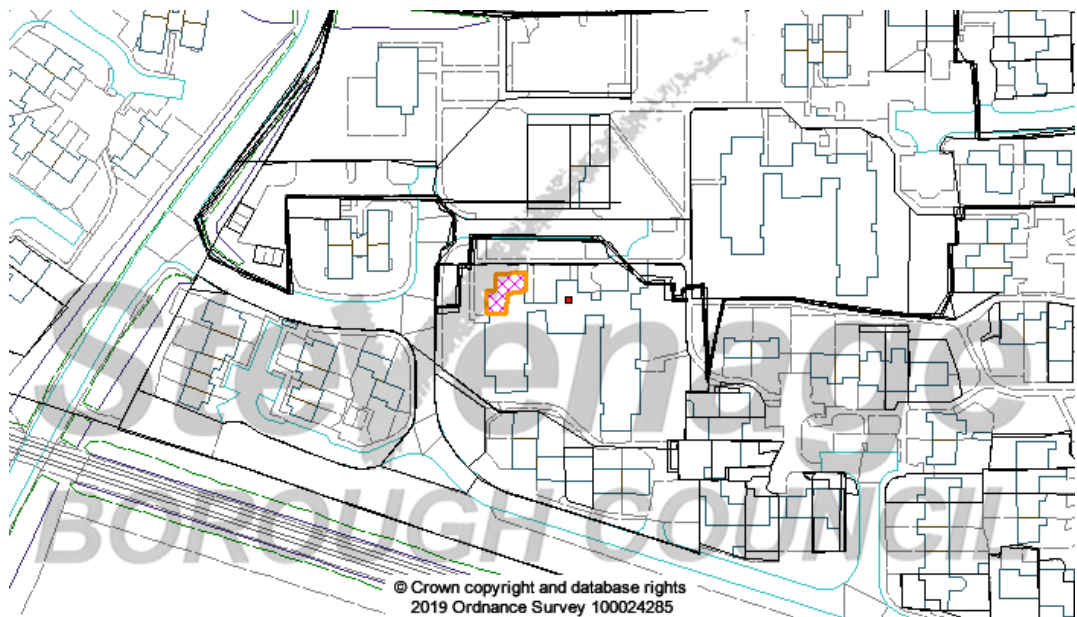


Meeting:	Planning and Development Committee	Agenda Item:
Date:	6 January 2021	
Author:	Ailsa Davis	01438 242747
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	01438 242747

Application No:	20/00620/FP
Location:	Flat 23 And 24 Walpole Court, Blenheim Way, Stevenage
Proposal:	Change of use from Residential Flats (use class C3) to Physiotherapy Clinic (use class D1) at 23 & 24 Walpole Court to facilitate the continued provision of the service while redevelopment of the main site granted under reference 18/00398/FPM takes place.
Drawing Nos.:	Site Location Plan; Block Plan; H/17381; TBC-02
Applicant:	Stevenage Borough Council
Date Valid:	26 October 2020
Recommendation:	GRANT PLANNING PERMISSION.



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1 Walpole Court is a sheltered housing development owned and managed by Stevenage Borough Council. The site comprises a two storey building subdivided into flats constructed from a mixture of buff multi-stock brick with parts of the first floor level clad in timber. The roof of the sheltered accommodation is clad in bold roll concrete inter-locking tiles with timber soffits with black uPVC gutters and

downpipes. The Walpole Court site also comprises six bungalows which form a staggered terrace with hipped roofs. These properties are constructed from red and buff brick with a band of grey bricks. The roofs of the bungalows are clad in concrete inter-locking tiles.

- 1.2 The application site is adjoined to the north by the Kenilworth Close neighbourhood centre, which comprises two single-storey buildings and a surface car park. The main building, which fronts onto the surface car park which is accessed off of Hertford Road, consists of 4 no. retail units. Immediately to the west of the small parade of shops is the detached single-storey community centre. The application site is adjoined to the south, west and east by additional sheltered housing accommodation.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted on the 28 October 2019 (ref. 18/00398/FPM) for the demolition of the existing Bragbury End community centre, Asquith Court and various residential dwellings and the construction of a mixed use development with 169 no. dwellings (Including independent living) and 4no. retail units across various blocks on land adjoining the application site to the north. This is Phase 1.
- 2.2 Planning permission was also granted on the 28 October 2019 (ref. 18/00399/FPM) for the demolition of the existing Walpole Court sheltered scheme and associated parking and the construction of 51no. apartments and 9no. houses along Blenheim Way. This is Phase 2.

3. THE CURRENT APPLICATION

- 3.1 Planning permission is sought to use two vacant flats (Nos. 23 and 24) within the Walpole Court sheltered housing block as a physiotherapy clinic. The planning application form states the change of use has already occurred and the flats have been used as a physiotherapy clinic since April 2020. The clinic previously operated from No. 3a Kenilworth Close, approximately 50m across Kenilworth Close to the north. The current arrangements will enable the clinic to continue to operate, while the redevelopment of the Bragbury Centre site granted planning permission under reference 18/00398/FPM takes place under phase 1 of the development proposals. No external alterations are proposed, other than a new ramped access and entrance door to facilitate disabled access.
- 3.2 The change of use is temporary for approximately 2 years until the new building is constructed adjacent to Walpole Court as part of Phase 1 of the development (application ref. 18/00398/FPM). Once the new retail/treatment facility is constructed, the physiotherapy clinic will be able to bid for a tenancy there and the Council will rehouse the current residents of Walpole Court into the new building, to enable its demolition and the delivery of Phase 2 of the development proposal (application ref. 18/00399/FPM).
- 3.3 The application comes before Committee for consideration as the applicant is Stevenage Borough Council.

4. PUBLIC REPRESENTATIONS

- 4.1 This planning application has been publicised by way of a site notice and neighbour notification letter. No representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.1.1 Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.2 SBC Environmental Health

- 5.2.1 No comments received to date.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Adopted Local Plan

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP6: Sustainable transport;
Policy IT5: Parking and access;
Policy HO6: Redevelopment of existing homes

6.4 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2020.

6.5 Community Infrastructure Levy Charging Schedule

- 6.5.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. This proposal is not CIL liable.

7. APPRAISAL

- 7.1 The determining issues relate to the acceptability of the application in land use policy terms, the impact of the development on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the provision of appropriate parking to serve the clinic.

7.2 Land Use Policy Considerations

- 7.2.1 Policy HO6 of the adopted Local Plan (2019) covers the loss of existing housing, whether through redevelopment or change of use. The policy states planning permission for schemes resulting in the change of use or redevelopment of existing homes for non-residential purposes will be granted where:

- a) It would provide a small-scale social, health, community or leisure facility or a small scale extension to an existing business use in the same building;
- b) It would not adversely affect the surrounding or adjoining properties; and
- c) A suitable, alternative non-residential site is not available for the proposed use.

- 7.2.2 The physiotherapy clinic is a small scale health facility and is in accordance with criterion (a) of policy HO6. Its use would not adversely affect the surrounding or adjoining properties, as it is considered the clinic will not generate unwanted noise or disturbance to existing residents of Walpole Court in accordance with criterion (b). Finally, due to the planned redevelopment of the application site and the Bragbury Centre site to the north where new dwellings, shops, services and community facilities will be re-provided, a suitable, alternative non-residential site is not currently available due to the wider development proposals for the area. The application can therefore be concluded to comply with criterion (c).

- 7.2.3 On this basis, it is considered the temporary use of two vacant flats within Walpole Court as a physiotherapy clinic is acceptable in land use policy terms, as the proposal complies with the requirements of Local Plan Policy HO6. The flats will be re-provided as part of the development proposals at the Bragbury Centre (Phase 1) and Walpole Court (Phase 2) granted planning permission on 28 October 2019 under refs. 18/00398/FPM and 18/00399/FPM and the physiotherapy clinic will be able to bid to occupy a unit in the new development.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 The application proposal involves no external alterations, other than a new access ramp and front entrance door to facilitate disabled access into the clinic. It is considered this alteration is minor and will not harm the character and appearance of the area.

7.4 Impact upon Neighbouring Amenities

- 7.4.1 With regard to residential amenity, the main issue to consider is whether a physiotherapy clinic (Use Class E) would create a greater level of noise and disturbance compared to the current lawful use of the application properties as two dwellings (Use Class C3). The proposed floor plan indicates that there are two treatment rooms, with ancillary facilities and a reception area. This suggests there are unlikely to be more than two patients at any time, plus staff and others waiting in reception.
- 7.4.2 The nature of physiotherapy is physical and does not usually generate noise. As such, given the small number of people likely to be using the clinic at any given time and the quiet, calm nature of the proposed use it is not considered that the change of use would raise any additional amenity issues for adjoining residents compared to the current lawful use as two dwellings. The proposal is therefore considered acceptable in this regard.

7.5 Access and Car Parking

- 7.5.1 In terms of access and car parking, Hertfordshire County Council as Highway Authority has made the following comments:

The main concern for Hertfordshire County Council is that of parking associated with the proposed change of use. It could be considered that the effect of the proposed use would attract additional parking demand and any required parking will be accommodated on-street. The Physiotherapy Clinic may generate additional trips with staff with their own vehicle would be parking long term with customers parking for a short duration and this short term parking is more likely to occur on site or as close to the facility as possible and may occur on-street along other parts of Kenilworth Close.

The occurrence of any additional on-street parking if in large numbers would be detrimental to the safety and efficiency of the adjacent highway network. Nevertheless the proposed change of use is of a small scale operation and there is no evidence available to show that the addition of this facility at this location would result in short term on-street parking that would cause congestion close to the site.

Under these circumstances, unless details can be substantiated that the use of the proposed change of use is likely to result in short term parking along Kenilworth Close that would lead to the proposal being detrimental to the safety and efficiency of the public highway, the proposal cannot be considered that the amount of additional on-street parking generated would be significant. Consequently it is unlikely a highway reason for refusal could be substantiated.

As a consequence Hertfordshire County Council as highway authority has no issues with the proposal and does not wish to restrict the grant of planning permission highway grounds.

- 7.5.2 The Council's Parking Provision SPD (2020) requires 3 spaces per consulting room plus 1 space per employee other than consulting doctors/dentists/vets for clinics. On the basis that the physiotherapy clinic has two treatment rooms, the standards require 6 off street parking spaces plus 1 space per employee. The application proposal does not provide any off street parking and therefore does not meet the requirements of the SPD. However, since its occupation of the flats from April 2020, the clinic has been successfully operating without causing on street parking problems for the local area.

- 7.5.3 However, whilst no off street parking is available next to flats 23 and 24 at Walpole Court, there is unrestricted on street parking available along Blenheim Way to the south and within parking areas connected with the Walpole Court sheltered housing close by. Given that the relocation of the clinic is temporary to allow the redevelopment of the area to the north (Phase 1) and the business is small in nature, not likely to generate large numbers of cars, it is considered that the amount of on street parking generated would be insignificant and not adversely affect the safety and efficiency of the public highway. On this basis and the fact the Highway Authority has not objected, it is considered the proposal is acceptable in this regard.

7.6 Other Considerations

Community Infrastructure Levy

- 7.6.1 As indicated above, the Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floor space in line with the following rates (plus appropriate indexation):

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

- 7.6.2 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.6.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted with the application. This proposal would not be CIL liable.

8. CONCLUSIONS

- 8.1 The proposed change of use is considered to be acceptable in land use policy terms, would not harm the character and appearance of the area, the amenities of adjoining dwellings or the safety and efficiency of the public highway. Furthermore, as the proposal is for the temporary relocation of the physiotherapy clinic only, whilst phase 1 of the Bragbury Centre redevelopment is carried out, the clinic and Walpole Court flats will all be re-provided as part of the wider development proposals for the area granted planning permission in 2019. This application is for an interim arrangement only, prior to the long term development of the site. Accordingly, it is recommended that planning permission be granted.

- 8.2 It is concluded the proposed development is in accordance with the Policies specified in the adopted Local Plan (2019), the Council's Car Parking Standards SPD (2012), the NPPF (2019) and PPG (2014).

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan; Block Plan; H/17381; TBC-02

REASON:- For the avoidance of doubt and in the interests of proper planning.

- 2 This permission is for a limited period only expiring two years after the date of the planning permission; and the use hereby permitted shall be discontinued on or before that date.

REASON:- To enable the Local Planning Authority to reconsider the appropriateness of the use at the expiration of the limited period.

INFORMATIVES

1. Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

Pro-active statement

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.