MAW
TOWN PLANNING LTD

[redacted]

Sequential Test

Application site: Unit 5, Oaks Business Park, Oaks Lane, Stairfoot, Barnsley, S71 1HT

Proposal: Flexible use permission to allow Unit 5 to be used for either Use Class E(d), E(g), B2 and B8 (Indoor sport and recreation, offices, the research and development of products or processes, any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area), general industrial and storage and distribution)

Introduction

The site is within an allocated business park, known as ES7 Oaks Business Park in the Barnsley Local Plan.

The boxing gym would fall within the NPPF definition of a main town centre use. Therefore, preference in policy terms is to locate such businesses to town, district or local centres.

NPPF and Planning Practice Guidance

Paragraph 87 of the NPPF states:

87. 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. 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.

Paragraph 91 of the NPPF goes onto state:

91. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

Paragraph 009 of Planning Practice Guidance clarifies that the role of the sequential test is to support the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

The NPPF states the sequential test should look for 'suitable' sites although, 'suitable' is not defined by the NPPF or guidance. However, Paragraph 011 of Planning Practice Guidance states "The application of the test will need to be proportionate and appropriate for the given proposal" and the applicant should demonstrate flexibility when considering sites. Paragraph 013 of the NPPF also recognises that viability has a role to play when considering suitable sites by a sequential test. Paragraph 013 states "The sequential test supports the Government's 'town centre first' policy. However as promoting new development on town centre locations can be more expensive and complicated than building elsewhere, local planning authorities need to be realistic and flexible in applying the test."

The requirements of the business

[redacted]

The owners requirements are:

- A unit, approximately 100sqm.
- The unit must be open plan, in order to fit a boxing ring and to hold classes.
- One room, in order to minimise staff costs.
- It would need to have some privacy, so an open shop frontage on a busy high street would be unsuitable.
- On site car parking or parking within a small walk is required because customers carry bulky kit such as gloves, head guards and shin guards.
- Financially Viable

Sequential Test

A search for sites within Barnsley town centre was undertaken on 22nd August 2022. The search used a popular estate agent website (www.rightmove.co.uk). Secondly, contact was made with an estate agent company (Smiths Chartered Surveyors). The search was restricted to commercial properties within 3 miles of the Alhambra centre (S70 1SL). This was considered to be a reasonable sized area as it would catch both the town centre and edge of centre units. The search was restricted to property 'to rent' and to a size of between 100sqm and 250sqm.

The search found 10 potential properties. The right move search identified 8 properties (the list identified 9 but one property was repeated twice on the search list). Two further properties were identified after contacting Smiths Chartered Surveyors.

The search discounted 21 Dodworth Road, Higham Common Road, Barugh Green, Aviary Buildings and Units 9-10 Laithes Lane, Shopping Centre, New Lodge due to reasons including being outside of the town centre or unsuitable internal layout.

No edge of centre units were identified as suitable.

The search found 6 properties within Barnsley town centre. The 6 properties are:

21 Market Street

48 Market Street

19a Market Street

15 Market Street.

31 Market Street

2a New Street

This sequential test has therefore focused on the 6 properties in the town centre as listed above. Further details of each property are detailed below:

21 Market Street

- Suitable in size
- Likely to be able to be adapted internally.
- Close walk to public car parks.
- Lacks privacy: shop frontage onto pedestrianised shopping street.
- Secondary shopping frontage
- Rent: as detailed in an email 22/08/2022 (confidential/ commercially sensitive)

Discounted due to effect of the use on the vitality a primary shopping frontage/ town centre retail area and financially unviable.

48 Market Street

- Suitable in size
- Likely to be able to be adapted internally.
- Close walk to public car parks.
- Lacks privacy: shop frontage onto pedestrianised shopping street.
- Secondary shopping frontage
- Rent: as detailed in an email 22/08/2022 (confidential/ commercially sensitive)

Discounted due to effect of the use on the vitality a primary shopping frontage/ town centre retail area and financially unviable.

19a Market Street

- Unsuitable in size and layout. Split over two floors. Each floor is less than 100sqm.
- Close walk to public car parks.
- Lacks privacy: shop frontage onto pedestrianised shopping street.
- Secondary shopping frontage
- Rent: as detailed in an email 22/08/2022 (confidential/ commercially sensitive)

Discounted due to internal layout, effect of the use on the vitality a primary shopping frontage/ town centre retail area and financially unviable.

15 Market Street

- Unsuitable in size and layout. Split over two floors. Each floor is less than 100sqm.
- Close walk to public car parks.
- Lacks privacy: shop frontage onto pedestrianised shopping street.

- Secondary shopping frontage
- Rent: as detailed in an email 22/08/2022 (confidential/ commercially sensitive)

Discounted due to internal layout, the effect of the use on the vitality a primary shopping frontage/ town centre retail area and financially unviable.

31 Market Street

- Suitable in size
- Likely to be able to be adapted internally.
- Close walk to public car parks.
- Secondary shopping frontage
- Rent: as detailed in an email 22/08/2022 (confidential/ commercially sensitive)

Discounted due to effect of the use on the vitality a primary shopping frontage/ town centre retail area and financially unviable.

2a New Street

- Suitable in size
- Likely to be able to be adapted internally.
- Close walk to public car parks.
- Secondary shopping frontage
- Rent: as detailed in an email 22/08/2022 (confidential/ commercially sensitive)

Discounted due to effect of the use on the vitality a primary shopping frontage/ town centre retail area and financially unviable.

Conclusion

The sequential test search revealed 6 town centre properties available for rent.

15 and 19a Market Street had the lowest rental charges (but still significantly higher than the rental charges of the application site). These two properties were though split over two floors, which would mean two staff members have to be on site in order to manage the two floors. Therefore, whilst they are cheaper rents, staff costs increase due to the layout.

Four town centre properties could be a suitable size and internal layout to accommodate the proposal. They are also close to town centre public car parks. However, the four properties were discounted due to viability and the negative effect on the vitality of the town centre.

The six identified units in the town centre are on pedestrian shopping streets and part of the secondary shopping frontages in the town centre. With needing privacy inside for the boxing gym, obscured vinyls on the shop windows would be required. This would not be positive additions to the attractiveness of the

shopping streets. No2a New Street does not have clear windows and is more private, however the rental charges were significantly higher than all other properties and financially unviable for the owner.

Secondly, the boxing gym is primarily closed in the day and the available units identified in the search are located on streets that are daytime orientated. This would mean that the unit is closed in the day time on streets which are mainly used in the day time. The current opening hours of the business are:

Monday to Friday 5pm to 9pm, Friday 9am to 1pm

Finally, this is a small business and due to the cost of the town centre rents, all the identified units are financially viable.

In conclusion, the scheme passes the sequential test as no other sites are 'suitable' due to viability, layout and the negative effect on the vitality of the town centre shopping streets.

Other Circumstances

The benefits of locating this business in the town centre is encouraging footfall to the town centre but this would be mostly at times when the shops around the unit have closed. As such, locating this business to the town centre would not materially increase the trade to other businesses. When also considering that the proposal would result in a 'dead' unit on a shopping street due to its predominantly evening use and blocked up shop front windows, the impact on the town centres shopping street is deemed negative rather than positive overall.

This is a small business which has been operational for a few months and is currently operating with low profits, therefore paying the town centre rents, at the moment, is financially unviable.

The scheme also has to be considered against the overarching aims of both national and local planning policy. The NPPF puts sustainable development at the heart of decision making. When considering sustainability, it has three overarching objectives – economic, social and environmental. In this case, the economic benefits are the opening of a business and the creation of employment. This is a small business that would not be viable in a town centre location due to rental costs. No edge of centre units were identified, which could bring with it cheaper rents. Therefore, the business is only currently suited to an out of centre location.

If the business were to grow and become more profitable, a relocation to the town centre in a more suitable unit is not ruled out longer term. However, it is not possible due to rental costs in the short term. By supporting the growth and start up of businesses, the business may not be suitable for a town centre location at present, but if it were to grow, it could mean the take up of a larger unit in the town centre in later years.

The site at Oaks Business Park provides a small affordable space for small and start up businesses. It is restricted to B1/B2/B8 uses in order to encourage businesses to locate here. The proposal would still be a business and generate employment, even though it does not fall into the B use classes.

The social benefits of the application are providing a place for a group of people to gather, with a common interest and it is a healthy use. Supporting the growth and vitality of town centres has its economic and social benefits, but for the reasons already described above, these benefits in this case would be minor or perhaps even negligible. The proposal would not harm the availability of B1/B2/B8 uses in the area and the scheme provides natural surveillance to Oaks Business Park in the evenings. As such, the proposal is

considered to not only pass the sequential test but also meet the overall sustainability aims of the NPPF as well as the priorities of the Barnsley Local Plan as set out in Paragraph 1.5.

Should you have any questions, please do not hesitate to get in touch.

Yours sincerely

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Maw Town Planning Ltd