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Application site: Unit 3, Oaks Business Park, Oaks Lane, Stairfoot, Barnsley, S71 1HT

Proposal: Flexible use permission to allow Unit 3 to be used for either Use Class E(g), B2 and B8 (office/industrial/storage) and a private fitness training facility (sui generis)

Dear sir/madam

Please find below a statement in support of the proposal.

Introduction

The application site is an end terraced unit at Oaks Business Park, Stairfoot. The site is part of a wider employment site that is occupied by an array of commercial businesses, most of which fall within Classes B8, B2 and E. Access is via Oaks Lane. The site has the benefit of unallocated parking near to the building.

Oaks Business Park was granted planning permission in the 1990s for industrial units. The planning history is set out below:

B/92/0193/BA Change of use of land for use within Class B1, B2 and B8

B/93/1226/BA Redevelopment of former colliery site/erection of industrial units.

This application is submitted in order to allow the unit to be used as a private fitness training facility (sui generis). The description given is a flexible use permission for use classes E(g), B2, B8 and a private fitness training facility. This will then prevent the need for a change of use application back to B1/B2/B8 uses, should the business close or relocate in the future.

The applicant has been operating a private fitness training facility since 2016, currently based in Mount Osbourne Business Centre, Oakwell. The applicant is wanting to relocate to Oaks Business Park because this unit is larger than their existing unit. A larger unit will support the applicant's ambitions to grow the business and it is suitably located for existing customers. Included with the application is a personal statement from the applicant. This statement sets out further details about the business.

Principle of the New Use

The business park is known as ES7 Oaks Business Park in the Barnsley Local Plan.

Policies E3 and E4 of the Barnsley Local Plan promote the retention of existing employment land and premises. The policy preference is for uses that are normally associated with employment sites such as general industry, light industry and storage uses. Policies E3 and E4 of the Local Plan state that proposals for other employment generating uses may be considered on their merits, particularly in terms of providing jobs, skills and their contribution to the borough's GVA.

Policy E4 states:

Land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs. The development of employment land and premises for non-employment uses will only take place if:



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Development would not result in a significant loss of existing jobs or employment potential;

There will still be an adequate supply of employment land or premises in the locality; and

The land or premises cannot satisfactorily support continued employment use. If the above criteria can be satisfied then redevelopment will be allowed.

The proposal is considered to meet the provisions of Policy E4 for the following reasons:

Development would not result in a significant loss of existing jobs or employment potential;

The proposal would not result in a significant loss of existing jobs or employment potential due to its small size.

There will still be an adequate supply of employment land or premises in the locality

A search on rightmove.co.uk reveals that whilst limited, there are other employment units available in the Barnsley area of a similar size. For instance, Mitchells Enterprise Centre and Oaks Business Centre have available units. This business is also a relocation so it would free up a similar unit elsewhere in the borough.

The land or premises cannot satisfactorily support continued employment use

It is understood that Oaks Business Park is functioning well with low vacancy rates so the unit can continue to be used for B1/B2/B8. Whilst the re-use for B1/B2/B8 use is a possibility, the applicant would like a number of other factors to be taken into consideration. Hopefully, these factors would be sufficient to balance the proposal in favour of the grant of planning consent. These points are outlined below:

- The applicant has been actively looking for new premises since July 2022. The units at this size and price have been difficult to find. The applicants also require a suitably located unit which has privacy and it must be on the ground floor due to the weight of the equipment. The applicant has though viewed several properties and applied for 4 in total since August 2022. They have always been outbid by national companies, due to not being able to match their financial position or commitment length.
- When considering the size of the unit, the number of staff employed at the fitness facility could be similar to other B1/B2/B8 businesses such as a storage business.
- The proposal is for an employment use and is proposed to enable an expansion of the business.
- The proposal supports the aims of Chapter 8 of the NPPF as it is for a healthy use with social benefits.
- The granting of this application would not sterilise the long term use of the site for commercial and industrial business because the description proposes a flexible permission and there are limited internal alterations.

Town Centre First Policies and the Sequential Test

The private fitness training facility is a sui generis use. It is a membership only facility operated on a booking system. Use Class E includes health centres and gymnasiums but with the caveat that it is for 'principally for visiting members of the public'. There is no definition in planning practice guidance for 'principally for visiting members of the public' but appeal cases on this topic have considered whether the



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public can walk in at any time (eg a public swimming pool/gym) or whether a business is restricted by membership/ appointments. As this is a booking only facility which is not open to the public, it is not principally for visiting members of the public and not a Class E use. It would therefore have to be a sui generis use.

As the proposal is a sui generis use which is not for visiting members of the public, it does not fall within the NPPF definition of a main town centre use. Town centre first policies are therefore not applicable, and a sequential test is not included with the application for this reason.

Impact on Surrounding Businesses

The fitness facility is unlikely to conflict with other surrounding uses because its busiest times will be open in the evenings and weekends. Industrial estates tend to be quieter during these times.

The opening of the premises in the evenings and weekends results in natural surveillance and security during quieter times of the industrial estate.

Parking

There is a shared row of parking within the grounds of Oaks Business Park. On street parking is available on Oaks Lane.

Due to the size of the unit, parking issues or a high demand for spaces is unlikely. Customers will also be visiting during quieter times.

Conclusion

Taking the above into consideration, the loss of this small industrial unit to an alternative use is not considered to have a detrimental impact on the employment area. The facility is for a healthy use, it will support a small business and provide employment.

The impact on surrounding land and businesses is positive due to additional natural surveillance and it will free up parking spaces during busy daytime periods.

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

Yours sincerely

Elizabeth Maw BA(Hons) DipTP MRTPI

Maw Town Planning Ltd