
2023/0663

Mr Pete Shaw

Flexible use 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)

Unit 3, Oaks Business Park, Oaks Lane, Hoyle Mill, Barnsley, S71 1HT

Site Location and Description

The application site is a unit within a group of five units within Oaks Business Park.

Site History

93/1226 – erection of industrial units, limited by condition to B1,2 and 8 only.

Proposed Development

The applicant seeks permission to change the use of the unit to a private fitness training facility. A flexible permission is requested so that the use can revert to classes E(g), B2 or B8 without the need for a further permission.

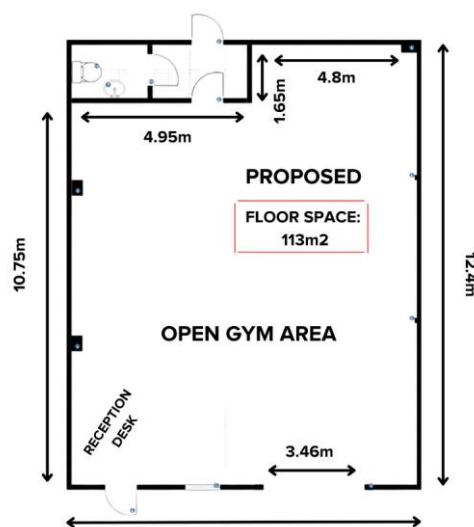
Three statements submitted in support of the application include a retail sequential assessment; and indicate that the applicant has been operating the business from Mount Osborne Business Centre since 2016. The relocation into a larger unit will allow the business to grow; a proposed flexible permission will allow the use to revert to a commercial or industrial use; and the use will be busiest in the evenings and weekends which will help to reduce conflict with the surrounding uses. The proposed opening hours are 5:30pm to 8:30pm Mon to Fri and 8:30am to 10:30am Sat, and the gym will require obscuring vinyls on any shop windows for privacy – both issues resulting in an adverse impact on vitality of the street scene.

The unit has two dedicated parking spaces and access to unallocated parking nearby

Location plan



Proposed floor plan:



Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

Local Plan

The Local Plan was adopted by the Council in January 2019. Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances require it.

The site is in an area designated as Urban Fabric on the Local Plan Proposals Maps reflecting the existing built-up character. The following policies are relevant:

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy E3 Uses on employment land – indicates we will allow research and development, light and general industry and storage or distribution on allocated Employment Sites or land currently/last used for employment uses; also appropriate scale ancillary uses and other employment generating uses will be considered on their merits.

Policy E4 Protecting Existing Employment Land – land or premises currently or last used for employment purposes will be retained. Non-employment uses will only take place if they would not result in significant loss of existing jobs or employment potential; there will still be an adequate supply of employment land/premises in the locality; and the land or premises can't support continue employment use.

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plan statements.

Policy TC1 Town Centres – indicates that new retail and town centre development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Supplementary Planning Documents (SPD):

SPD Parking – gives guidance on parking standards and indicates that the Council encourages the provision of electric vehicle charging infrastructure.

Consultations

Highways DC –no objections.

Enterprising Barnsley – support the proposed temporary flexible use, given the low stock of available and pipeline small commercial units and the fact that it allows a BMBC tenant to grow and expand. We would recommend the permission is only for this tenant and that the unit reverts back to its original use when they exit.

Ward Councillors – No response

Representations

The application has been advertised by means of letters to nearby properties and a site notice from 18 July to 8 August; no representations have been received.

Assessment

Principle of development

The application site has a designation of urban fabric in the Local Plan where Policy GD1 sets a range of criteria against which planning applications must be judged.

As the proposal is for a main town centre use but is proposed in an out of centre employment location, consideration against the provisions of Local Plan policies E4 and TC1 is necessary.

Retail Policy

The application is supported by a retail sequential assessment which considers the availability of units in or on the edge of Barnsley Town Centre. The area of search (locations within 3 miles of the Alhambra centre, which would catch both Barnsley town centre and locations on the edge of the centre) and the method of locating units (units to rent on a popular estate agent website) are considered appropriate. Various units were identified but were considered not to be suitable either because of the effect on the vitality of the shopping street (because of the restricted opening hours and the requirement for privacy vinyl) and/or because the units were not financially viable or because of unsuitable layout.

The assessment's conclusion that there is no suitable and available unit in a sequentially preferable location is considered a reasonable conclusion. The available units, other than

one which has an unsuitable layout, are all in a town centre location where the introduction of a 'blank' frontage that would be closed during normal weekday business hours would negatively affect the vitality and viability of the shopping street and it would therefore not be sequentially preferable for the proposed gym to locate in those units. Accordingly it is concluded that the proposal has passed the sequential test and the application site is the most sequentially preferable location for the proposed development and is in conformity with Local Plan policy TC1.

Employment Policy

Local Plan policy E3 indicates that proposals for other employment generating uses on sites such as the application site that were last used for employment may be considered on their merits. Local Plan policy E4 indicates that non-employment uses will only be allowed if the development would not result in a significant loss of jobs or employment potential; there will still be an adequate supply of employment land and premises in the locality; and the land/premises cannot satisfactorily support continued employment use.

The application site is part of a wider area in longstanding employment use and the proposed use is not a conventional B class employment use. The proposed use generates a limited amount of employment and is presented as an established business that seeks to expand by moving to this unit. The proposal does not result in a significant loss of jobs or employment potential and there will still be an adequate supply of employment land and premises in the locality. However, there is no evidence to indicate that the unit cannot satisfactorily support continued employment use. The applicant has proposed a flexible change of use which would allow the unit to revert to the existing authorised light or general industrial or storage and distribution uses (E(g), B2 and B8) that were the originally permitted uses.

It is concluded that the degree of conflict with Local Plan policies E3 and E4 should be given limited weight and the support of Enterprising Barnsley to the proposal should be weighed against that conflict.

Highways safety

Noting the advice of the highways officer that the likely parking demands for a small gym/fitness facility is not that much greater than could be generated by a B2/B8 use; that there are no on street restrictions in the area should there be a need for additional parking; and that the peak hours for such a use usually fall outside the typical working hours with, it is considered that the proposal is acceptable from a highways safety perspective and in compliance with Local Plan Policy T3.

Conclusion

The proposal allows a small business to expand and generate economic growth in the borough. Although there is a limited degree of conflict with Local Plan employment policy it is concluded that the proposal complies with the development plan as a whole.

Recommendation

Grant subject to conditions