

Our ref: hk/O/TFGG/Bnsly/APC/01.09.21

1 September, 2021

Planning / Development Control
Barnsley MBC
PO Box 634,
Barnsley,
South Yorkshire
S70 9GG

Dear Sir/Madam,

Proposed subdivision and change of use from Class E Restaurant use to Sui Generis tanning shop use at Unit 9A Dryden Road, Barnsley, S71 1JE

We act as planning consultant to The Feel Good Group.

This application is to establish the principle of sui generis tanning shop use at Unit 9A only. Other than the principle of tanning shop use no other physical alterations are proposed which constitute development.

We understand that a separate application for the external alterations to facilitate the subdivision has already been submitted (ref: 2021/0542 - Alterations to the building elevations including minor infilling, creation of a new drive-thru lane with associated facilities, alterations to the car parking layout and associated works)

Unit 9 as a whole is currently vacant but was formerly occupied by Pizza Hurt as a restaurant with ancillary takeaway sales. The subject property is part of a stand-alone unit located within the Peel Centre which is a defined retail park in the adopted local plan.

Policy TC4 of the adopted local plan permits uses other than retail warehouses where the role, character and function of the retail park will not be adversely affected. The subject property is a long established commercial premise previously within A3 Use Class (ref: B/04/0020/BA) but now redefined as a Class E (Business Service and Commercial Use)

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 come into effect on 1st September 2020. The new regulations revoke Parts A and D of the

Schedule to the Use Classes Order 1987 and introduce a new Class E. Commercial, Business and Service Use Class which allows a permitted development right for use, or part use, for all or any of the following purposes—

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- c) for the provision of the following kinds of services principally to visiting members of the public—*
 - (i) financial services,*
 - (ii) professional services (other than health or medical services), or*
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,*
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- g) for—*
 - (i) an office to carry out any operational or administrative functions,*
 - (ii) the research and development of products or processes, or*
 - (iii) any industrial process,*
- h) Being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

As such, from 1st September 2020 the subject property can be converted to any or all of the above uses under permitted development rights.

With regard to policy, the character and function of the retail park will remain unaffected. There are multiple Class E premises in the Retail Park which sell all manner of convenience and comparison retail goods. The subject proposal for a modest sized tanning shop at a former restaurant premises will add to the diversity of uses on offer without resulting in the loss of the existing restaurant use. This is a stand-alone unit in the centre with ample parking provision.

The Feel Good Group is an established operator of tanning salons, with shops throughout the UK. Each shop provides both UV and sunless tanning booths and staff are trained to promote responsible tanning and UV exposure. The shops also stock a range of tanning products including tanning SPF, fake tan products, skin care and body products. This retail element of the tanning salon, which is located at the front (Zone A) of the shop and advertised in the shop window, normally accounts for 25% of sales. Therefore, although the UV/Sunless tanning booths are the primary function of the unit, the ancillary retail sales are fundamental to the operation and as such the premises will maintain an important Class E element to the centre. As such, the use is a quasi-retail use in any event and presents much

like other retail premises with an active glazed frontage with views provided into and out of the premises to attract visiting members of the public.

The proposed use will secure the long term viable use of part of a larger vacant unit which presently does not contribute anything to the vitality and viability of the Peel Retail Park. This will hopefully encourage other commercial retail operations in the remaining vacant units in the centre.

Tanning salon uses are indeed an active frontage use which present as a picture of activity in the street scene. We should add that the proposed tanning salon use will be a positive addition to the retail park where there are no other similar uses and will contribute to footfall and therefore vitality and viability. It is also the case that customers do not only visit tanning salons in isolation but do so as part of a linked shopping trip, which further enhances vitality and viability in the vicinity of the site. As a direct result of the coronavirus pandemic the government has introduced changes to the planning system which now encourage a diversity of uses in commercial locations in order to encourage footfall and vitality in the high street retail sector. The proposed use is one that is genuinely complementary and which contributes to footfall without being impacted by internet completion such that it positive addition to the long term viability of the centre.

The proposed tanning salon will be open during the following hours:-

Monday to Friday	09.00 - 20.00
Saturday	09.00 - 18.00
Sunday	11.00 - 18.00

Unlike many retail and other non-retail uses, the tanning salon will operate from 09.00 and into the early evening, with longer opening hours than most shops. As such, there will be continuous footfall to the unit throughout the day. The unit would also close no later than 20.00 hours such that there are no amenity issues created as a result of this proposal.

The company intends to create 5 jobs in the centre and will also invest in staff training as well as the property. There is ample car parking space available in the retail scheme.

The proposed use is therefore a welcome addition in the street scene. Retail uses will of course continue to predominate in the retail park as a whole and the proposed use will enhance the diversity of the current retail offer.

On the basis of all of the above we commend this application to you for your approval. If you have any queries relating to this proposal please do not hesitate to contact these offices in the first instance.

Yours sincerely,

HARIS KASUJI BA MA MRTPI