

Appendix A

Appeal by Nikki Cooper

Change of Use from B8 warehouse to D2 gym at unit 18

Broombank Park, Chesterfield.

CHE/19/00389/COU

2/208

1. Planning permission was refused on 29th January 2020 for permission to change the use of unit 18 Broombank Park to a D2 Gym for the following reasons:

The proposed development would result in the loss of an established industrial/warehouse unit, of a size that is in considerable demand across the borough. The development would therefore result in a qualitative loss of land for employment, contrary to policy CS13 of the Adopted Local Plan Core Strategy 2011 - 2031. The loss of such a unit would be detrimental to the continued location of employment operators in to the District, and would adversely impact on the economic activity and employment within the District.

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issues considered were whether the location of the proposed development would be acceptable with regard to relevant employment land policies.
4. The appeal property is a use class B8 industrial unit within a short block of similar units at Broombank Park. Broombank Park is part of Chesterfield Trading Estate located to the north of Chesterfield within which there is a wide variety of industrial units. The single storey unit is 113 sqm (1216 sq ft) and is accessed via a spinal road from Broombank Park which leads, via Broombank Road out on to the A61. Car parking is to the front of the unit. There are also areas adjacent to the site that provide overspill parking.
5. Policy CS13 of the Chesterfield Local Plan: Core Strategy 2011–2031 (2013) (CS) sets out the economic strategy for the area. In general, the policy requires that development should deliver sustainable economic growth by supporting existing

jobs and businesses and inward investment. In particular the policy states that other business and industrial uses not falling within the B1, B2, B8 Use Classes will be considered based on the locational criteria set out in Policy CS2 of the CS, including the sequential test, the suitability of the use for the location and the employment generation of the proposed use when compared to the existing. Further, non-employment uses will only be permitted provided the development would not lead to a qualitative or quantitative deficiency in the supply of available employment land and it would not inhibit existing industrial activity on adjacent sites.

6. The approach in Policy CS13 is generally consistent with the Framework which seeks to support a strong and competitive economy through planning policies and decisions that help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunity for development. Policies and decisions should recognise and address the specific locational requirements of different sectors. The proposed use is recognised as a main town centre use and a sequential test was submitted with the application in accordance with Policy CS2 of the CS and the Framework. Based on the information before me, and taking into account the need for the business to be located in a building with a minimum ceiling height of 4 metres, the inspector saw no reason to disagree with the Council's conclusion that the submitted sequential test meets the relevant requirements.
7. The Council provided evidence that the overall majority of the enquiries for industrial units is for those units under 5000 sq ft. Further, their evidence confirms that approximately one third of enquiries are for units within the 1000- 2000 sq ft range. The Council concluded that units of the size of the appeal site are in high demand. Whilst the Council conclude that there is a sufficient quantity of industrial units, they consider that the loss of the appeal building would lead to a reduction in the range of available space and a type of unit that is in high demand.

8. The inspector was provided with some evidence that indicates that the building was marketed. The Council indicated that the rent proposed was higher than the normal market rent for the area. The appellant has not disputed this. Whilst indicating that older industrial units are not as desirable the appellant provided limited evidence that there is a lack of demand for the employment use of the building. Based on the evidence before the inspector she could not conclude that there is a lack of demand for the building's employment use. Further, she agreed with the Council that quality in the context of the appeal proposal is about maintaining a good range of premises of different sizes and locations and suitability to maximise the opportunities for a range of businesses.
9. Nevertheless, the overarching aim of Policy CS13 is to deliver economic growth supporting existing jobs and businesses, similarly the Framework requires significant weight to supporting economic growth to be attached. It is accepted that the appellant's business is unable to identify a sequentially preferable site and therefore the relocation of the business to the appeal site would retain jobs in the Borough. These jobs would, according to the Council, likely generate greater employment than the B8 storage use. The Academy specialises in teaching Martial Arts, Personal Development and work around health, fitness and nutrition education. It would provide employment opportunities and potential for training and apprenticeships for young people. The inspector found these matters attract significant weight. In addition, the Council acknowledge that the development would allow an established business to continue operating and would support the businesses existing employment. It would also provide health and lifestyle opportunities close to places of employment. These matters would have social and economic benefits.
10. In terms of whether the proposed use would be compatible with the surrounding employment uses, there is no specific information to indicate that the proposed use would be unacceptable in this regard. No external alterations are proposed to the building.
11. The inspector acknowledged the appeal decision at Storforth Lane Trading Estate, and agreed with her colleague that there

is some synergy between the proposed use and the existing uses by providing social and economic benefits of healthrelated lifestyle opportunity close to places of employment. The inspector was also mindful that her colleague acknowledged that the preferred approach to the location of such uses is in town centres and thereby not permanently occupying employment sites for which there may be a future demand. For this reason, only a temporary planning permission was supported.

12. The inspector agreed that the preferred approach in national and local policy would be to site the use within a town centre or edge of centre location, but the parties agree that currently no premises can be found. However, noting that the appellant has not demonstrated a lack of demand for the existing use of the building, the reference in the appeal evidence to a temporary consent, and following the approach taken at the appeal decision which was been drawn to the inspectors attention, the imposition of a temporary permission is proposed. This would allow the matter to be reviewed in light of market circumstances in three years' time.
13. The Planning Practice Guidance advises that conditions can be used to grant planning permission for a use for a temporary period where changes in the planning circumstances are expected. Having regard to this the sequential assessment identifies that some town centre sites are undergoing refurbishment and are not immediately available. Drawing these matters together, the inspector accepted that the appellant has not demonstrated a lack of demand for the B8 employment use of the site, however, the appellant has shown that there are no sequentially preferable sites for the development, the development would retain existing jobs with the potential to create additional jobs, provide training and apprenticeship opportunities and support an existing business.
14. Overall, the inspector concluded that the location of the proposed development would be acceptable with regard to relevant employment land policies and in particular accords with Policy CS13 of the CS which seeks to support existing jobs and businesses and the Framework in so far as it relates to the economy.

Conditions

- 1) The use hereby permitted shall be for a limited period being the period of 3 years only from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 6924-01 - Location Block Plan 28-06-19, Drawing no 6924-02 - Existing Plans and Elevations 28-06-19, Parking Plan 26-09-19