

Proposed change of use from storage and distribution (B8) to personal training and fitness centre (E(d))

Unit 15  
Kestrel Court  
Network 65 Business Centre  
Burnley

## **Planning Statement**

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December 2021



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## **1 Introduction**

- 1.1 This Planning Statement has been prepared by LJG Planning Consultancy Ltd on behalf of Change Gym Ltd in support of a full planning application for a proposed change of use at Unit 15, Kestrel Court, Network 65 Business Park in Burnley.
- 1.2 This Statement describes the application site, the proposed development and assesses its merits against the relevant up-to-date policies of the development plan, the National Planning Policy Framework and all other relevant material considerations.
- 1.3 It demonstrates that the proposed development is in accordance with the relevant technical and general development management policies of the Burnley Local Plan ('the Local Plan') and also accords with Government policy and guidance as detailed within the National Planning Policy Framework ('the Framework').
- 1.4 Consequently, having regard to the development plan and all material considerations, there is a compelling case for planning permission to be granted without delay, in accordance with the presumption in favour of sustainable development at Paragraph 11(c) of the National Planning Policy Framework.

### **Supporting information**

- 1.5 This Planning Statement should be read in conjunction with the following list of supporting documents, submitted with this application;
  - a) Application drawings:
    - Location plan
    - Existing and proposed layout plans

## 2 Site and surroundings

- 2.1 The application site comprises an existing unit, located within a row of 4 similar, small units within the wider Network 65 Business Park. The primary access to the Park is taken from Accrington Road (the A679) with direct access to Junction 9 of the M65 circa 150m from the site. Kestrel Court as a whole includes units of varying sizes, located within a cul-de-sac.
- 2.2 The unit measures 195sqm in footprint and is primarily open plan, with a small office area which is accessed via the pedestrian doorway within the building frontage. Parking is provided to the forecourt of the building.



Figure 1 – site location

- 2.3 With regard to known constraints, the site lies in Flood Zone 1 and is therefore at low risk of flooding. There are no protected trees on site and no heritage assets which would be affected by the development, which proposes no external alterations (other than signage). No other constraints are known which would prevent the scheme from being delivered as set out.

### Planning History

- 2.4 The Council's online planning register shows no recent history for the unit in question, other than development involving the creation of the wider Park. It is understood that the last tenants 'Tran-Z-Parts' used the unit as satellite storage capacity for truck and trailer parts, associated with their host business which is based in Preston. They have since vacated the premises, leaving it available for rent.

### 3 Proposed development

- 3.1 The proposals seek to convert the existing storage floorspace at Kestrel Court to create a personal training business aimed at helping local communities to thrive, improve fitness, enhance well-being and promote personal transformation.
- 3.2 This start-up venture will initially comprise two Personal Trainers ('PT'), with a view to expanding to five members of staff during the first 12 months of the business. Combined, the PT's have a wealth of experience within sport and fitness, with one currently playing semi-professional football with Colne FC and the other part of Great Britain's powerlifting team. They both have first-hand experience of personal improvement in differing fields and the purpose of creating this new business is to offer their expertise to a wider audience, diversifying the fitness offer in Burnley.
- 3.3 It is intended that the business would become affiliated with British weightlifting and powerlifting associations and potentially be a venue for future competitions once established. Additionally it is intended to work closely with local companies (particularly those on the Business Park) to offer corporate memberships for staff and to link up with associated industries which can provide clients with services (diet planning, food, attire etc.) which will help to achieve their fitness/lifestyle targets.
- 3.4 In terms of day to day activities, the centre will primarily provide 1 to 1 sessions for individuals and also small groups. It is not intended to operate as a typical 'walk in' gym and the PT's will create bespoke routines for clients/groups to meet their particular needs or goals.
- 3.5 The use will be aimed at clients of all ages, backgrounds and needs. It is an aspiration of the applicant to widen the proposed offer to children and young adults to promote healthy lifestyles from an early age. This includes efforts to forge relationships with local junior sports clubs who may benefit from different types of training, especially indoors during the winter months, outside of their own disciplines.
- 3.6 To maximise the reach and benefits of such a business, it is necessary to operate from premises which offer flexible floorspace. This allows the use to be adaptable and to meet all of the aforementioned aspirations. Ceiling heights are also important to support sessions and circuit training which utilise jumping/climbing exercises. As such the property at Kestrel Court represents the ideal opportunity to fulfil the potential of the new business in providing open, unencumbered floorspace with a good internal ceiling height to allow the use of varied equipment.

## 4 Planning policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires that application be determined in accordance with the plan, unless material considerations indicate otherwise.
- 4.2 For the purposes of this application, the development plan comprises the Burnley Local Plan (adopted July 2018). The site lies within the settlement boundary and also forms part of a Protected Employment Site (denoted by the purple shading). An excerpt of the Local Plan Policies Map is included below:

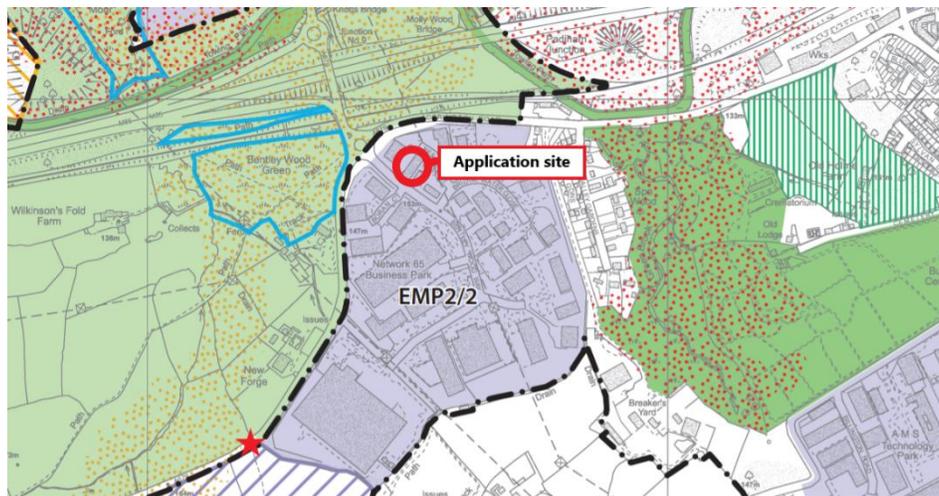


Figure 2 – Local Plan excerpt

### The development plan

- 4.3 In light of the designation above, the Local Plan policies applicable to the determination of this application are:
- **Policy SP1** confirms the Council's approach to achieving sustainable development and applying the presumption in favor of sustainable development.
  - **Policy SP4** sets out the Council's development strategy and hierarchy of settlements, with Burnley as the principal service centre for the Borough.
  - **Policy EMP2** states that the 8 defined employment areas will be protected for B1, B2 and B8 uses. The wording of the policy is now partially out of date due to the reordering of the Use Classes Order in 2020, with the former Class B1 now sitting within the new Class E(g).
  - **Policy EMP3** supports the growth and development of new businesses, subject to an acceptable relationship with surrounding uses.

- **Policy TC1** sets out the Council's retail hierarchy, establishing defined town and district centres.
- **Policy TC2** requires a sequential test for town centre uses located outside of a defined centre.
- **Policy CC4** seeks to ensure that new development does not result in increased flood risk.
- **Policy IC1** promotes sustainable patterns of travel and seeks to maximise opportunities for pedestrians, cyclists and users of public transport.
- **Policy IC3** requires new development to provide suitable levels of parking, in accordance with the adopted standards.

### **National policy**

- 4.4 In addition to the Local Plan, the National Planning Policy Framework sets out the Government's planning policies for England and details how they should be applied. It requires local planning authorities to adopt a presumption in favour of sustainable development, as detailed within paragraph 11.
- 4.5 Paragraph 8 of the Framework confirms that the Government is committed to building a strong, responsive and competitive economy, supporting growth and innovation. It also seeks to create vibrant and healthy communities, with accessible services which support health, social and cultural well-being.
- 4.6 Paragraph 83 confirms that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This is particularly relevant to gym and fitness uses which, whilst still considered to be main town centre uses, increasingly require premises of a size and type which are only found outside of centres within retail and industrial parks.
- 4.7 Paragraph 87 states that 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.
- 4.8 In addition, paragraph 88 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 4.9 Paragraphs 92, 93 and 98 confirm that planning decisions should help to promote the creation of safe, healthy communities, with access to opportunities for leisure, sport and recreational activities.

- 4.10 Paragraph 106(a) supports an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

## 5 Planning assessment

- 5.1 In accordance with Section 38(6) of the Act and the requirements of the Framework, this application must be considered in accordance with the adopted development plan, unless material considerations indicate otherwise.

### Principle of development

- 5.2 The two key issues to consider when assessing the principle of development are:

- The loss of protected employment space; and
- The sequential test

### Protected employment land

- 5.3 Policy EMP2 seeks to retain premises on the Network 65 Business Park for uses with the 'B' Use Class, primarily consisting of general industrial or storage and distribution activities. Use Class B1, which is included within the policy wording now falls within the revised Class E(g) and incorporates offices which carry out operational or administrative functions; research and development and industrial processes.
- 5.4 The proposed use as a gym and fitness centre sits outside of the use classes listed within the policy, falling within Class E(d). Accordingly, it is necessary to demonstrate the positive material considerations which would support the introduction of this use with a protected employment area and outweigh the loss of a small amount of floorspace within the wider designation.
- 5.5 In terms of employment function, the proposed use would result in the direct creation of two jobs initially with a further three to be added in the coming 12 months. When compared to the previous storage use, which had no permanent members of staff on site, it would assist in the delivery of suitable and sustainable employment opportunities which the designation is intended to support.
- 5.6 The unit is one of the smaller premises within the Business Park, which supports a multitude of uses including a handful of 'non-traditional' employment activities. In the absence of suitable town centre premises, which will be discussed in the sequential test section below, gyms and other similar uses are often forced to look for sites on industrial parks. The units in these areas generally provide unencumbered floorspace, which allows for adaptability and flexibility in delivering the use, whilst also having internal heights which facilitate the use of larger pieces of fitness equipment.
- 5.7 The loss of 195 sqm of employment floorspace, to be occupied by an employment generating use, albeit not of a traditional sense, is not considered to be so harmful as to undermine the purpose of the designation. It would also help to support a newly forming business which has struggled to find suitable premises, meeting the desire in the Framework to create sustainable economic growth

- 5.8 The Council's Annual Monitoring Report 2019/20 confirms that between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020 the Council's loss of employment land was at its lowest during the life of the Local Plan, with only 836 sqm lost through redevelopment. The employment land target in Policy SP3 of the Plan includes provision for the replacement of these annual losses, at a rate of 2.79 hectares p/a. As such the change of use of 0.01ha within a healthy employment area, helping to diversify the employment offer, is not considered to represent a fundamental conflict with the spirit of Policy EMP2 or wider employment strategies supported by the Council.
- 5.9 Paragraph 83 of the Framework confirms that the planning system should recognise the specific locational requirements of certain sectors. In this instance it is clear that traditional town centre premises generally fail to provide suitable premises for this type of use. A number of fitness and leisure uses are located in similar out of centre locations, proving that such developments are more suited to these types of site. Other uses within Burnley include:
- The Best Centre (gymnastics) – Network 65 Business Park
  - FX Fitness – Empire Business Park
  - Wai Kru Kickboxing – Victoria Works, Accrington Road
  - Cross Fit – Time Technology Park
  - Steam Training Club – Time Technology Park
  - MT3 Fitness – Siberia Mill, Harle Syke
  - Barbell School – Hargher Street Works
- 5.10 The applicant is keen to ensure that their new business is located in Burnley and as residents of the town they wish to invest in the area. The use is intended to provide a new fitness offer within the Borough, creating economic growth, social betterment and working collaboratively with other associated industries, within a highly accessible location. The site lies a short distance from the M65 and is in close proximity to numerous employers, allowing the local workforce at Network 65 and Burnley Bridge Business Park to combine journeys to their workplace with potential leisure and fitness opportunities.
- 5.11 The provision of such a use in this location will help to deliver the creation of healthy communities as required by the Framework, facilitating access to services through the delivery of mixed use developments. The new fitness use will help to meet local health and well-being needs, creating and expanding the network of these uses across the Borough.
- 5.12 The site also benefits from good public transport links, with bus stops and services within the Business Park which run at the start and end of each working day between the site, Accrington and Burnley. There are also more regular mainline services with stops located within walking distance on the A679 to the east and south, as shown in the map excerpt below. Bus routes are shown in blue along the surrounding highways and stops are indicated as orange squares.
- 5.13 The site also lies within close proximity to cycle routes along the Leeds Liverpool Canal and Rose Grove train station is circa 1 mile away to the east. As such the site is considered to satisfy the requirements of Policies SP1 and IC1 with regard to accessibility and connection to sustainable modes of transport.

- 5.14 Parking is available on site, immediately to the front of the premises and it is intended that attendance by clients will be managed by a booking system to ensure suitable capacity. Attendees will not simply be able to arrive without prior appointment. This, in tandem with the aforementioned links to transport networks, results in suitable levels of parking provision for the proposed use.

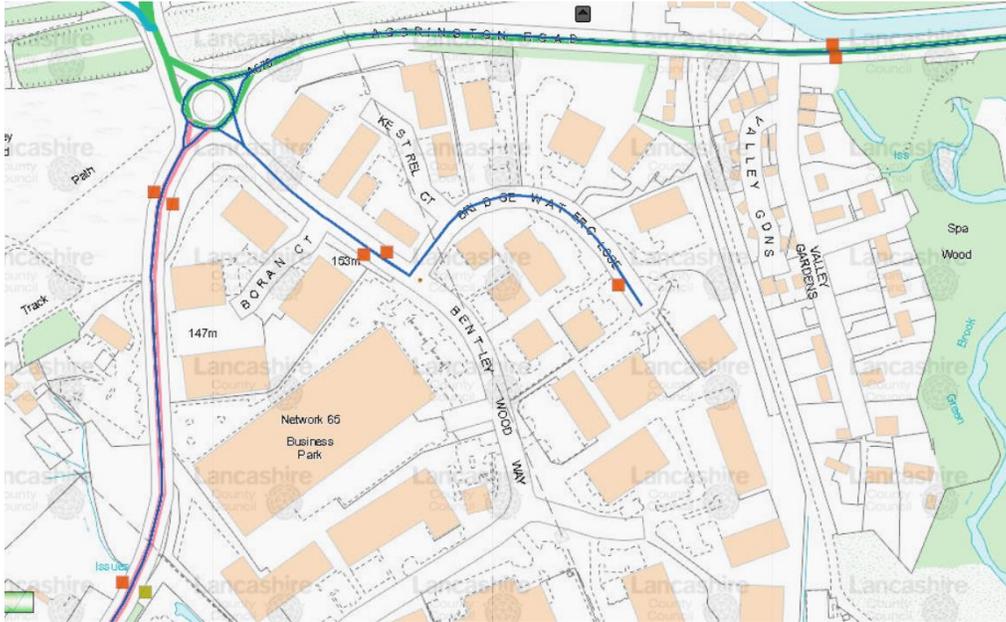


Figure 3 - Local bus stops and routes (Source – LCC Mario)

- 5.15 The use also represents a compatible neighbour within Kestrel Court and would not impinge on the activities or operation of the surrounding businesses. It is the intention of the applicant to actively work with these companies to offer memberships to staff and local employers, encouraging them to utilise this new service.
- 5.16 For all of these reasons the proposed fitness use would make an important and positive contribution to the area, delivering a greater level of employment on the ground than previous uses and more than is likely to be provided within traditional 'B' uses. The recent reordering of the Use Classes Order also indicates an understanding that the previous categories did not perhaps offer a level of flexibility to meet a rapidly changing retail and leisure market. In the case of the proposed development, market trends indicate that uses of this nature require a type of property which is not readily available outside of employment sites..

#### **The sequential test**

- 5.17 As required by the Framework and Policy TC2 of the Local Plan, a sequential test has been undertaken with regard to the proposed development and location. Gym and fitness uses are considered to be town centre activities and therefore it is necessary to demonstrate why the use cannot be accommodated in the sequentially preferred locations.

5.18 With regard to the scope of the assessment, Planning Practice Guidance states that:

*“The application of the test will need to be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites will need to be discussed between the developer and local planning authority at the earliest opportunity.*

*The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:*

- *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed.*

*In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account”*

And;

*“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification”*

5.19 The applicant has been actively looking for a property for months, to lease to accommodate this new start up business. As outlined earlier in this Statement the use has a number of baseline requirements which have informed the search:

- floorspace between 2,000 and 3,000 sqft
- open, adaptable floorspace across a single floor
- spacious internal ceiling heights
- accessible location in close proximity to transport networks
- dedicated parking, important for client safety

- 5.20 The sequential test undertaken to support this application has taken all of these requirements into account whilst also demonstrating flexibility in the type of premises which have been considered. Using a range of online sales/letting websites (Right Move, Trevor Dawson, Realla), in tandem with visits to both Burnley and Padiham town centres on the w/c 29<sup>th</sup> November 2021, the following units have been identified within and at the edge of the retail centres. Brief commentary is provided below each to explain the reason for the premises being discounted as unsuitable.



**2 Keirby Walk Burnley BB11 2DE**  
 Rental £14,000 per annum  
 Type: Retail | Tenure: To Rent | Size: 2,692 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Floorspace spread across multiple levels, insufficient for equipment and class types/sizes proposed. No dedicated parking.



**40 – 42 St. James Street Burnley BB11 1NQ**  
 Rental £37,000 per annum  
 Type: Offices, Retail | Tenure: To Rent | Size: 2,468 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Floorspace spread across multiple levels, insufficient for equipment and class types/sizes proposed. No dedicated parking.



**46 – 48 Manchester Road Burnley BB11 1HJ**  
 £195,000  
 Type: Investments, Offices, Retail | Tenure: For Sale | Size: 1,826 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Too small and floorspace spread across multiple levels, insufficient for equipment and class types/sizes proposed. Currently tenanted.



**Unit 1 Prestige Park Colne Road Burnley BB10 1AZ**  
 To Let. Rental On Request  
 Type: Multi and Leisure Uses | Tenure: To Rent | Size: 1,105

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Too small and lacks flexible space for proposed fitness use.



**24 Keirby Walk Burnley BB11 2DE**

Rental £12,000 per annum.

Type: Offices, Retail | Tenure: To Rent | Size: 1,099 Sq Ft

MORE DETAILS

ADD TO SHORTLIST

Too small, low ceilings and floorspace spread across multiple levels.



**123 - 125 St James Street Burnley BB11 1PP**

Price £195,000 or £20,000 per annum

Type: Retail | Tenure: For Sale, To Rent | Size: 1,002 Sq Ft

MORE DETAILS

ADD TO SHORTLIST

Too small, low ceilings and floorspace spread across multiple levels.



**143 Burnley Road Padiham**

Price Reduced To £99,950

Type: Retail | Tenure: For Sale | Size: 754 Sq Ft

MORE DETAILS

ADD TO SHORTLIST

Too small.



**18 Parker Lane Burnley BB11 2DY**

To Let. Rental £12,000 per annum.

Type: Retail | Tenure: To Rent | Size: 715 Sq Ft

MORE DETAILS

ADD TO SHORTLIST

Too small.



**11 Hall Street Burnley BB11 1QA**

To Let. Rental £6,000 per annum.

Type: Retail | Tenure: To Rent | Size: 622 Sq Ft

MORE DETAILS

ADD TO SHORTLIST

Too small.



**5 - 7 Hall Street Burnley BB11 1QJ**  
**UNDER OFFER**  
**Type:** Retail | **Tenure:** To Rent | **Size:** 503 - 1,086 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Too small individually and cumulatively. Currently under offer.



**49 Croft Street Burnley**  
**UNDER OFFER**  
**Type:** Retail | **Tenure:** To Rent | **Size:** 486 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Too small.



**Lodge House Cow Lane, Burnley BB11 1NN**  
**To Let - Rental On Request. Available on a desk by desk basis.**  
**Type:** Offices | **Tenure:** To Rent | **Size:** 170 - 600 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Too small and incompatible with other uses in building.



**First & Second Floors 5 St. James Street Burnley BB11 1QL**  
**UNDER OFFER**  
**Type:** Multi and Leisure Uses | **Tenure:** To Rent | **Size:** 3,003 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Within size range but under offer. Low internal ceilings prohibitive.



**68-70 St James Street Burnley BB11 1NH**  
**For Sale. Price £174,999**  
**Type:** Investments | **Tenure:** For Sale | **Size:** 1,384 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Too small with floorspace spread across multiple floors. Unit also tenanted.



**31 Westgate Burnley BB11 1RY**  
**UNDER OFFER**  
 Type: Retail | Tenure: To Rent | Size: 4,220 Sq Ft

[MORE DETAILS](#) [ADD TO SHORTLIST](#)

Currently under offer and larger than currently required.

**FOR SALE/TO LET**

- Quality ground floor office suite extending to 2,384 sq ft (221 sq m)
- Highly prominent town centre location with excellent frontage to both St James Row and Hargreaves Street
- Fully equipped office suite with various meeting rooms having been occupied by a recruitment company for a number of years
- High spec. office with staff kitchen, three toilets, tinted aluminum glazing and two large conference rooms
- Town centre location close to the Job Centre, Southern Solicitors and Donald Race & Newton Law
- Freehold building with free business rates for eligible tenants or occupiers



Ground Floor of Britannic House  
 St James's Row  
 Burnley  
 BB11 1DR

Restrictive internal layout. Low ceilings and likely to be an incompatible neighbour to existing uses within the building.



**SUBSTANTIAL TOWN CENTRE RETAIL / CAFÉ PREMISES WITH REFURBISHED APARTMENT ABOVE.**

**FOR SALE**

10 St James Street  
 Burnley  
 Lancashire  
 BB11 1 NG

Size: 225 sq. m 2,421.66 sq. ft

- Prominent retail premises with self contained apartment above.
- First floor ancillary storage with potential for conversion into an additional apartment subject to planning.
- Fully glazed fronted ground floor retail accommodation, with fully fitted commercial kitchen.
- Nearby occupiers include Charter Walk Shopping Centre, Primark, Boots and Costa Coffee.

Configuration of floorspace unfeasible for the proposed use. Grade II listing creates further complications in achieving a suitable layout.

5.21 In light of these findings, it is clear that there are no suitable premises within or at the edge of the sequentially preferable locations. Other sites beyond the centres have been considered but do not benefit from the same levels of accessibility as Network 65. Accordingly, the sequential test is passed and the provisions of paragraph 83 of the Framework are engaged, in recognising that a use of this nature has specific locational requirements which are met at Kestrel Court.

5.22 The nature of the proposed use will not undermine or adversely impact the vitality of Burnley or Padiham town centres and provides an appropriate, complementary use within the business park. As such, Policy TC2 of the Local Plan and the associated sections of the Framework are satisfied.

**Material considerations**

5.23 Aside from the matters above, there are no other material considerations which would weigh against the proposed development. Drainage arrangements remain as existing, there are no amenity issues to consider and no external alterations are necessary to facilitate the development.

## **6 Summary and conclusion**

- 6.1 This Planning Statement has been prepared to support a proposed fitness and personal training use at Unit 15, Kestrel Court at the Network 65 Business Park in Burnley.
- 6.2 It has been demonstrated that there is a compelling case for the introduction of the proposed use in the area, which would add to the variety and scope of employment generating uses within the park. Additionally there are no available premises with the Borough's town centres which can accommodate the development.
- 6.3 The applicant is keen to help to deliver positive community change and promote healthy lifestyles, which is supported by both local and national policies.
- 6.4 Accordingly the presumption in favour of sustainable development should be applied and permission for this new business should be granted without delay, in accordance with paragraph 11 of the Framework.