

Planning Statement in relation to the change of use of an industrial unit to a boxing gym

Unit 14 Hale Trading Estate, Lower
Church Lane, Tipton, DY4 7PQ

Prepared by Fisher German LLP on Behalf of B
Money Promotions



Contents

01	Introduction	4
	Introduction	4
02	Site and Surrounding Context	4
	Requirement for the Change of Use	5
03	Planning History.....	6
04	Proposed Development.....	6
	Overview of Development	6
05	Planning Policy	7
	Planning Legislation	7
	National Planning Policy Framework	7
	Local Development Plan	11
	Supplementary Planning Documents	12
06	Assessment of Proposal.....	12
	Principle of Development.....	13
	Design and Visual Impact	14
	Water Management and Drainage	14
	Ecology and Wildlife	14
	Highway Matters	15
07	Conclusion	16
08	Appendices	16
	Appendix 1: Location Plan	16
	Appendix 2: Existing and Proposed Block Plans	16
	Appendix 3: Existing Floor Plans and Elevations.....	16
	Appendix 4: Proposed Floor Plans and Elevations.....	16

Project Title:

Planning Statement in relation to the change of use from an industrial unit to use as a boxing gym for personal use (Class E, d)

Address:

Unit 14 Hale Trading Estate, Lower Church Lane, Tipton, DY4 7PQ

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01 Introduction

Introduction

- 1.1 This Planning Statement has been produced on behalf of B Money Promotions (hereafter called 'the Applicant') by Fisher German LLP, to support a full planning application for the change of use of an existing industrial unit to a boxing gym for personal use ('the proposed development') at Unit 14 Hale Trading Estate, Lower Church Lane, Tipton ('the site').
- 1.2 This planning application is submitted with the following documents and plans in addition to this Planning Statement, as set out below:
 - Location Plan
 - Existing and Proposed Block Plan
 - Existing Plans and Elevations
 - Proposed Plans and Elevations

02 Site and Surrounding Context

- 2.1 The site is accessed off the B4163 and lies within Hale Trading Estate, the north of the established employment sites. The site is located to the east of Tipton centre, and north of Dudley Port. Tipton train station is circa 0.9 miles from the site.
 - 2.2 The site consists of an end of terrace industrial unit located adjacent to comparable units, there is parking directly to the front of the unit and a Royal Mail car park lies east of the building. To the rear of the unit is characterised by hedgerows and trees, separating existing residential development.
 - 2.3 The unit forming this application is a steel-portal framework industrial building with a roller shutter door and pedestrian access door on the front elevation. The unit is currently vacant.
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2.4 The surrounding land uses are predominately employment and industrial uses, it is situated in the centre of Hale Trading Estate, the neighbouring unit hosts a beer distribution company, The Royal Mail lies east of the site, the industrial estate sites within a wider residential context to the north and south of the estate.

Requirement for the Change of Use

2.5 The applicant, the owner of B Money Promotions, whom intends to utilise the building as his personal boxing gym is a current professional boxer who has represented Great Britain at the Olympic, World and European stages.

2.6 Their current training facilities in the local area are becoming increasingly unsuitable, both in availability of professional equipment and required privacy. The applicant, understandably gains a lot of attention in public gyms and boxing gyms which can be inconvenient and hinder important training sessions.

2.7 The industrial unit would provide required training facilities and privacy for our applicant and his team, to ensure he is able to train without interruption or restriction and continue to progress his already successful boxing career.

2.8 The B Money Promotions team consists of the applicant and a number of team members such as his Strength and Conditioning Trainer, Coach/Trainer and Social Media Coordinator, who will all regularly utilise the proposed building in support of his career and ongoing training. As such there will be a minimum of 4 people employed at site through B Money Promotions.

03 Planning History

- 3.1 Having reviewed the Council's online planning application register the below relevant planning history at the site has been returned: -

Application Number	Development Description	Decision	Decision Date
<u>BCS0949</u>	Erection of thirty new industrial units and associated roads, car parking and landscaping.	Grant Permission Subject to Conditions	09 April 1990

04 Proposed Development

Overview of Development

- 4.1 This planning application seeks the approval for the change of use of an existing industrial unit into a boxing gym. The gym will not be open to the public and will only be for the use of the applicant.
- 4.2 The site area extends 0.028ha and the Gross Internal Floor Area is 1.742m². There would be no change to these existing measurements.
- 4.3 The building is currently vacant, there would be no external operational works required to facilitate the change of use. The applicant would like to remain as private as possible avoiding any unwanted attention to the building. No signage is intended, but if in the future this is required this will form a separate application.
- 4.4 The unit's current use is restricted by planning reference BCS0949 to B1/B2/B8 use. Therefore, whilst the Town and Country Planning (Use Classes) Order 1987 (as amended) now provides greater scope for alternative uses linked to the former B1 use class, a change of use will be required to facilitate the change to professional boxing gym (use class E (d))
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- 4.5 Whilst the change of use, would not be for a traditional employment use, as detailed there are minimum of 4 people employed by 'B Money Promotions'.

05 Planning Policy

Planning Legislation

- 5.1 The determination of a planning application is to be made pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority ... *'shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations'...*

National Planning Policy Framework

- 5.2 The National Planning Policy Framework (NPPF) 2021 outlines the Government's planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development which should be interpreted and applied locally.

Key Matters

- 5.3 Paragraph 1 of the NPPF ... *'sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which locally prepared plans for housing and other development can produced'...*
- 5.4 Paragraph 2 of the NPPF recognises that ... *'Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning Policies and decisions must also reflect relevant international obligations and statutory requirements'...*
- 5.5 Paragraph 3 of the NPPF confirms that the NPPF should be read as a whole, including its footnotes and annexes.
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Achieving Sustainable Development

5.6 Paragraph 7 of the NPPF recognises that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 of the NPPF identifies the three key dimensions to achieve sustainable development: economic, social and environmental, as outlined below: -

Economic role – contributing to building a strong, responsive and competitive economy;

Social role – supporting a strong, vibrant and health community; and

Environmental role – contributing to protect and enhance our natural, built and historic environment.

5.7 Paragraph 11 of the NPPF recognises ... 'Plans and decisions should apply a presumption in favour of sustainable development'...

5.8 Paragraph 11 of the NPPF also states that for decision-making this means... 'approving development proposals that accord with an up-to-date development plan without delay'...

5.9 Paragraph 12 of the NPPF recognises ... 'The presumption in favour of sustainable development'... and states that ... 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'...

Decision Making

- 5.10 In accordance with Paragraph 38 of the NPPF ... 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available'... 'Decision makers at every level should seek to approve applications for sustainable development where possible'...

Building a strong, competitive economy

- 5.11 A key facet that runs through the NPPF is economic growth and this is outlined within paragraph 85 which outlines that ... 'Planning policies and decisions should help create the conditions in which businesses 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 opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential'...
- 5.12 Paragraph 86 of the NPPF outlines *planning policies should:*
- ... 'd) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices, and to enable rapid response to changes in economic circumstances'...
- 5.13 Paragraph 87 states that ...'decisions should recognise and address the specific locational requirements of different sectors'...

Promoting Sustainable Transport

- 5.14 Paragraph 115 of the NPPF states that ... 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'...
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Achieving well-designed places

5.15 Paragraph 131 of the NPPF recognises that ... 'The creation of high-quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' ... whilst Paragraph 132 of the NPPF notes that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development whilst also being visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

5.16 This section of the NPPF sets out ways in which planning can support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 165 of the NPPF states that ... '*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk*' ...

5.17 Paragraph 174 of the NPPF... 'Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments'...

Conserving and enhancing the natural environment

5.18 Paragraph 180 of the NPPF recognises that ... 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
-

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;’...

Local Development Plan

- 5.19 The Local Development Plan is made up of the following documents –
- Black Country Core Strategy (2011)
 - Sandwell Site Allocations and Delivery DPD (SAD) (2012)
- 5.20 Sandwell Council is preparing a new Local Plan which will set out how the Borough will grow and regenerate by the year 2041. The Sandwell Local Plan will replace the Development Plan documents following adoption. The Regulation 18 consultation and Draft Sandwell Local Plan closed on Monday 18th December 2023.
- 5.21 The Sandwell Local Development Scheme (LDS) was approved on 17th January 2024 by the cabinet. This provides the Council's programme for the production of new Development Plan Documents such as the Sandwell Local Plan.
- 5.22 Having reviewed the interactive Policies Map of the SAD (Sandwell Site Allocations and Delivery DPD), the site is located within 'Local Employment Land', adjacent to Residential and a SLINC (Site of Local Importance for Nature Conservation) is to the north of the site.
- 5.23 The following policies are considered key in the consideration of the development:

Black Country Core Strategy (BCCS):

- CSP2: Development Outside the Growth Network
 - CSP4: Place Making
 - CSP5: Transport Strategy
 - EMP1: Providing for Economic Growth and Jobs
 - EMP3: Local Quality Employment Areas
 - TRAN2: Managing Transport Impacts of New Development
 - ENV1: Nature Conservation
 - ENV3: Design Quality
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- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Sandwell Site Allocations and Delivery DPD:

- SAD TRAN 3: Car Parking
- SAD EOS 9: Urban Design Principles
- SAD EOS 10: Design Quality & Environmental Standards

Supplementary Planning Documents

- There are no relevant Supplementary Planning Documents for this development.

06 Assessment of Proposal

- 6.1 An assessment of the development, in accordance with Section 38 (6) of the 2004 Planning and Compulsory Purchase Act, has been undertaken against the relevant planning policy framework for the site, and other material considerations.
- 6.2 The NPPF, Black Country Core Strategy and Sandwell Site Allocations and Delivery Development Plan forms the national and local planning policy context. It is considered the following matters associated with the development will need to be considered :-
- Principle of Development
 - Design and visual impact
 - Water Management and Drainage Strategy
 - Ecology and Wildlife
 - Highway Matters
-

Principle of Development

- 6.3 The site is located within an area of 'Local Employment Land'. As stated above the building under a personal boxing gym use would comprise of a total of 4 employees within 'B Money Promotions', inclusive of our applicant, his 2 trainers and social media coordinator.
- 6.4 Policy EMP3 of the BCCS outlines that Local Quality Employment Areas are to be safeguarded and sets out a number of potential uses for such sites. Whilst it is noted that the proposal would not entail any of the safeguarded uses, the use will none the less provide for a level of employment generation from the site. The occupancy of the unit will also help to maintain the wider sustainability of the trading estate, through rent role, and lead to a rich diversification of the uses within the estate which better protects the estate from market fluctuations that could impact tenancy levels.
- 6.5 This fluidity in use is far more consistent with current use class allowances and restriction of use, as outlined by the EMP3 would likely be seen as conflicting with the current NPPF guidance which seeks policies to provide an environment for businesses to invest, expand and adapt.
- 6.6 In addition to the above, the unit modifications are minor and will have no impact on the wider function of the Hale Trading Estate. Should the use cease in the future, the unit can be easily transferred back.
- 6.7 In addition to the above, whilst a gym facility is normally seen as a leisure use, which should be subject to sequential assessment as a town centre use. The proposal under assessment is not for any form of open leisure whereby sequential assessment would be appropriate. As this is a private facility for a professional boxer, essentially his place of work, it is not deemed reasonable to undertake a sequential assessment.
- 6.8 Overall, whilst the proposal would conflict with policy EMP3 as presently adopted, the policy is dated and is not seen to accord with the policy guidance of the NPPF in regard to section 6 (Building a strong, competitive economy).
- 6.9 The proposal overall would facilitate new tenancy in a presently vacant unit and the use, whilst not a common employment use, would facilitate employment that would not conflict with the wider trading estate or undermine the core principles of policy EMP3.
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Design and Visual Impact

- 6.10 As stated, the change of use would require no alterations to the existing elevations of the building, no new openings are proposed and there would be no impact on the surrounding streetscene. Furthermore, there is no signage proposed as part of the application as the applicant would like to keep the building use as inconspicuous as possible. Therefore, wanting to retain the current façade and building design.
- 6.11 The site location and internal plans have been submitted as shown in the attached **appendices**. As the plans indicate, facilities are kept to a minimum and all within the internal boundaries of the building with no external changes. The facilities will be utilised for personal training uses of the applicant and his immediate team.
- 6.12 As such, given the limited changes internally and there would be no changes to the external appearance, it is deemed that the proposal would remain a high-quality design and accord with policies SAD EOS 9 of the SAD and Policy ENV3 of the Black Country Core Strategy (BCCS).

Water Management and Drainage

- 6.13 The site lies within Flood Zone 1, meaning it is at a low fluvial risk of flooding. The site is also identified as being at a very low risk of surface water flooding by the Environment Agency's flood mapping.
- 6.14 The change of use would have no implication or adverse impact on the drainage and surface water management of the building on the site. There is no additional built form proposed or any further hardstanding proposed.
- 6.15 The site drainage will continue to be managed via the existing drainage system on site. Therefore, it is found that the application is in accordance with Policy ENV1 of the BCCS.

Ecology and Wildlife

- 6.16 Given that the proposal would purely be for a change of use with no alterations to the existing fabric of the building or to the surrounding land it is seen as unlikely that there would be any adverse impacts in respect to protected species.
- 6.17 Having reviewed the Council's interactive mapping, it does not appear that the site forms any ecological designation such as any Local Wildlife Site or a Site of Special Scientific Interest (SSSI). It is noted that adjacent to the site is a SLINC (Site of Local Importance for Nature Conservation), however due no external or operational works required there would be no impact on the designation.
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- 6.18 In consideration of Biodiversity Net Gain, the site falls within the 'Small Development' category as defined in article 2(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015. This includes commercial development where floor space created is less than 1,000 square metres or total site area is less than 1 hectare. Small developments are exempt from Biodiversity Net Gain requirements until 2 April 2024.
- 6.19 Notwithstanding the above, under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), the site would form an exemption under The Biodiversity Gain Requirements (Exemptions) Regulations 2021 Section 4 'De-minimis exemption'. The site does not impact on a onsite priority habitat and further more in consideration of Section 4 (3)(a) & (b), the development impacts:-
- (a) Less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and
 - (b) Less than 5 metre in length of onsite linear habitat
- 6.20 Therefore, it is considered the proposal would be in accordance with the policy requirements of Policy ENV1 and the provision of 10% Biodiversity Net Gain would not be required on site.

Highway Matters

- 6.21 There would be no change to the parking provision on site or access. The building is afforded 4 parking spaces directly to the front of the existing unit, which would be sufficient for the level of use proposed.
- 6.22 The unit will remain accessed from the main route through the Trading Estate running off the B4163 (Lower Church Lane). There would be no adverse impact in terms of trip generation and this would be comparable of existing uses. Vehicles trips will also likely be less and with smaller vehicles than if an industrial use was in place.
- 6.23 In overall terms, it is considered that the proposal would accord with the policy requirements of TRAN2 of the BCCS in respect to accessibility and transport.
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07 Conclusion

- 7.1 In summary the proposal for the change of use of the industrial unit to a boxing gym for personal use would, on balance, broadly accord with both National and Local Planning Policies, as set out above. The change of use would also benefit the existing employment area by filling an existing vacant unit and supporting a local business and local resident to fulfill and progress their professional career.
- 7.2 Having regard to the above, it is therefore, respectfully requested that, in accordance with the Paragraph 38 of the NPPF, that the development be approved.

08 Appendices

Appendix 1: Location Plan

Appendix 2: Existing and Proposed Block Plans

Appendix 3: Existing Floor Plans and Elevations

Appendix 4: Proposed Floor Plans and Elevations
