



# PLANNING, DESIGN & ACCESS STATEMENT

*Change of use from industrial/storage (Use Class B2/ B8) to a gymnasium (Use Class E(d)) (resubmission following appeal dismissal ref APP/R5510/W/22/3313644)*

AT

D.G.M. House, 1 Chancerygate Business Centre, Stonefield Way, Ruislip,  
Middlesex, HA4 0JA

APRIL 2025

RJS PLANNING

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## 1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Mr Sina Ghami (Evolve Gym Ltd), in support of a planning application for the proposed 'Change of use from industrial/storage (Use Class B2/ B8) to a gymnasium (Use Class E(d)) (resubmission following appeal dismissal ref APP/R5510/W/22/3313644)' at D.G.M. House, No. 1 Chancerygate Business Centre, Stonefield Way, Ruislip, Middlesex, HA4 0JA.
- 1.2 This statement will consider the planning issues raised by the proposal in the context of national and local planning policies and guidance, together with the relevant and recent planning history of the site and nearby properties, including the previously refused application under reference 66683/APP/2022/1338, and the dismissal under appeal reference APP/R5510/W/22/3313644, with the reasons for these decisions taken into account (see **Appendix A**).

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 The most recent planning history of the application site is detailed as follows:
- **Planning application reference 72194/APP/2016/3351**  
Change of use from storage (Use Class B8) to a gymnasium (Use Class D2) involving alterations to external windows/doors  
**Refused – 23<sup>rd</sup> November 2016**
  - **Planning application reference 72194/APP/2017/14 – (see Appendix B)**  
Change of use from storage (Use Class B8) to a gymnasium (Use Class D2) involving alterations to external windows/doors.  
**Approved – 25<sup>th</sup> April 2017**
  - **Planning application reference 66683/APP/2022/1338 – (see Appendix A)**  
Change of use from industrial/storage (Use Class B2/ B8) to a gymnasium (Use Class E(d)).  
**Refused – 13<sup>th</sup> October 2022 for the following reason:**
    1. *The development proposal would result in the loss of 550sq.metres of B2/B8 floor area within a Strategic Industrial Location. In the absence of any supporting information to justify the loss of the B2/B8 unit, the principle of development is considered to be unacceptable. For these reasons the development proposal conflicts with Policies E4 and E5 of The London Plan (2021) and Policy DME 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*
  - **Planning Appeal reference APP/R5510/W/22/3313644**  
Against application reference 66683/APP/2022/1338  
**Dismissed on 2<sup>nd</sup> October 2023**
- 2.2 The applicant has operated an E(d) use (Gymnasium) within unit 1b since 2017.

### RJS PLANNING

### 3.0 THE SITE

- 3.1 The application site is located on the southern side of Chancerygate adjacent to its junction with Stonefield Way and comprises a modern industrial building in mixed use, which includes storage, industrial and gymnasium. It is the first unit in a row of four with the gym accessed from Chancerygate and an office accessed from Stonefield Way.



**Northeast Elevation**



**Northwest Elevation and Entrance**

- 3.2 There is parking provision allocated for the application site building to its front and side, together with unallocated, unrestricted parking also available opposite the site on both Chancerygate and Stonefield Way.



**Application Site and Surrounding Area**

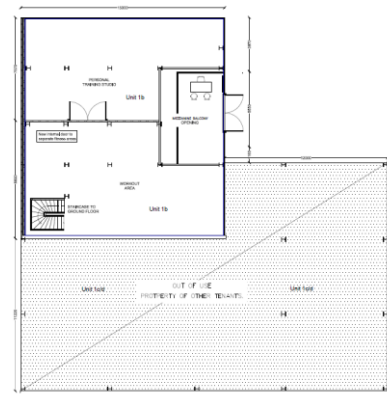
- 3.3 The application site contains B2/B8 floor area which lies within a Strategic Industrial Location (SIL), and adjoins the applicant's Evolve Gym in Use Class E(d). The site is not close to residential properties, Listed Buildings or within a Conservation Area.

## 4.0 PROPOSED DEVELOPMENT

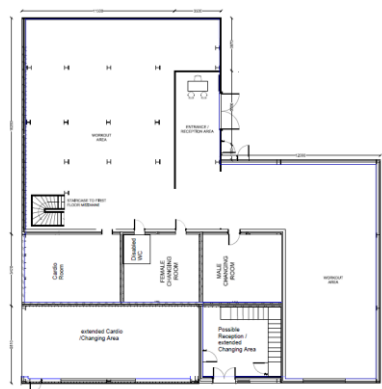
- 4.1 This application seeks planning permission for the change of use of part of the unit from industrial/storage (Use Class B2/ B8) to a gymnasium (Use Class E(d)).
- 4.2 Unit 1 is currently subdivided into three spaces known as 1a, 1b, 1c/d, detailed as follows:
- 1a is a small B8 use unit on the ground floor
  - 1c/d are located on the first floor and are primarily in B2 use
  - 1b is the majority of this unit set over both floors and currently operates as Evolve Gym under an E(d) use
- 4.3 The applicant's existing successful business Evolve Gym has operated within unit 1b since 2017, with the purpose of the application being to amalgamate units 1a and 1c/d, to form a single use within Unit 1, in order to expand the gymnasium.
- 4.4 The proposal will not change the exterior appearance of the building.
- 4.5 The existing gym has approximately 1000 members and is seeking to expand the services and classes it can offer with the membership to also increase to approximately 1500, with more space the gym can provide larger changing rooms, a sauna, a larger weight area and more exercise machines, together with a wider variety of classes and after school clubs.



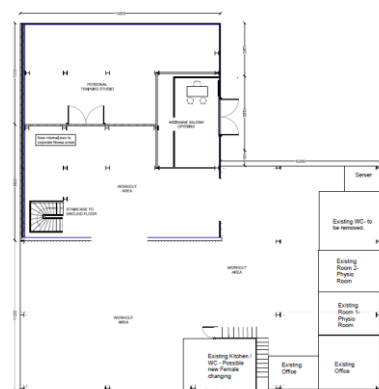
**Existing Ground Floor Plan**



**Existing First Floor Plan**



**Proposed Ground Floor Plan**



**Proposed First Floor Plan**

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- 4.6 The gym has become a successful business which provides employment for 6 Gym Instructors, 6 Personal Trainers, 1 Manager, with a rental option also available for Personal Trainers to use the facilities. It is proposed to increase this to employ 6-8 Gym Instructors, 8-14 Personal Trainers, 1 Manager and 1 Assistant Manager, together with continuing to provide the rental option for Personal Trainers.
- 4.7 The opening times will not be changed by the proposal, remaining Monday – Friday 5:30am - 11:00pm, Saturday – Sunday 6:00am - 10:00pm.
- 4.8 The total number of parking spaces for the gym will be increased with 7 extra spaces to the northeast side of the building, the existing 3 spaces including disabled parking space to be retained close to the entrance, and on-street unrestricted public parking spaces are also available on Chancerygate and Stonefield Way; 43 cycle spaces will also be provided.

## **5.0 RELEVANT PLANNING POLICY**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 For the purposes of the current proposal, the National Planning Policy Framework (2024), the London Plan (2021), the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and the Hillingdon Local Plan - Part Two (2020), are all relevant.
- 5.3 The following paragraphs provide a brief summary of the relevant policies and guidance within the National Planning Policy Framework. The paragraphs are in a hierarchical order relative to national and local planning policy.

### **National Planning Policy Framework – December 2024 (NPPF)**

- 5.4 The NPPF (December 2023) sets out the Government's planning policies for England and how these are expected to be applied, this document replaces the revised NPPF published in December 2023. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this application.

### **Achieving sustainable development**

- 5.5 The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. 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. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) – economic, social and environmental.



### Presumption in Favour of Sustainable Development

5.6 Paragraph 11 of the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development.

5.7 For plan-making this means that:

- a) *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.8 For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

### Decision-making

5.9 Paragraph 38 states that 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, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Building a strong, competitive economy

- 5.10 Paragraph 85 states 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.

### The London Plan (2021)

- 5.11 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications.
- 5.12 The previous reason for refusal referred to Policies E4 and E5, with the application site identified in Figure 6.1 – Strategic Industrial Locations and Table 6.2 under Ref. 24 - Stonefield Way / Victoria Road, Industrial Property Market Area of Park Royal / Heathrow in Hillingdon.

### Policy E4: Land for industry, logistics and services to support London's economic function

- 5.13 Section A states that a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained, taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, co-location and substitution (see Policy E7 Industrial intensification, co-location and substitution). This should make provision for the varied operational requirements of:

- 1) light and general industry (Use Classes B1c and B2)*
- 2) storage and logistics/distribution (Use Class B8) including 'last mile' distribution close to central London and the Northern Isle of Dogs, consolidation centres and collection points*
- 3) secondary materials, waste management and aggregates*
- 4) utilities infrastructure (such as energy and water)*
- 5) land for sustainable transport functions including intermodal freight interchanges, rail and bus infrastructure*
- 6) wholesale markets*
- 7) emerging industrial-related sectors*
- 8) flexible (B1c/B2/B8) hybrid space to accommodate services that support the wider London economy and population*
- 9) low-cost industrial and related space for micro, small and medium-sized enterprises (see also Policy E2 Providing suitable business space)*
- 10) research and development of industrial and related products or processes (falling within Use Class B1b).*

Policy E5: Strategic Industrial Locations (SIL)

- 5.14 Section A states Strategic Industrial Locations (identified in Figure 6.1 and Table 6.2) should be managed proactively through a plan-led process to sustain them as London's largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy.
- 5.15 Section B describes how boroughs should define SIL's boundaries and develop local policies to protect and intensify the function of SILs and enhance their attractiveness and competitiveness for the functions set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function.
- 5.16 Section C adds that development proposals in SILs should be supported where the uses proposed fall within the industrial-type activities set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function.
- 5.17 Section D explains that *"Development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial-type activities and their ability to operate on a 24-hour basis"*.

**Hillingdon Local Plan: Part Two - Development Management Policies (2020)**

- 5.18 This Development Management Policies document forms part of Hillingdon's Local Plan Part 2. Its purpose is to provide detailed policies that will form the basis of the Council's decisions on individual planning applications. Policies DMHB11, DMHB12 and DMHD1 are referred to within the reason for refusal.

Policy DME 1: Employment Uses on Designated Sites

- 5.19 Section A) states that the Council will support employment proposals in Strategic Industrial Locations (SILs) - Preferred Industrial Locations (PIL) or Industrial Business Parks (IBP) - in accordance with relevant policies in the London Plan.
- 5.20 Section B) states that the Council will support industrial and warehousing uses (Use Classes B1 (c), B2 and B8) and Sui Generis uses that are appropriate in an industrial area within Locally Significant Industrial Sites (LSIS).
- 5.21 Section C) states that the Council will support light industrial, office and research & development activities (B1 (a) (b) (c) Use Classes) within Locally Significant Employment Locations (LSELs).
- 5.22 Section D) adds that proposals for other uses will be acceptable in SILs, LSELs and on LSIS only where:
- i) There is no realistic prospect of the land being developed in accordance with criterion A, B or C; or*
  - ii) Sites have been vacant and consistently marketed for a period of 2 years; and*



*iii) The proposed alternative use does not conflict with the policies and objectives of this Plan.*

- 5.23 Section E) states that development adjacent to SILs, LSIS and LSELs must be located and/or designed so as to not to compromise the integrity or operation of these employment areas.
- 5.24 Section F) adds that Proposals for small scale ancillary development which supports occupiers and the workforce on designated employment sites, such as 'walk to' services including workplace crèches, cafes and small scale food outlets, will be supported.

### **London Borough of Hillingdon Local Plan Part 2 Site Allocations and Designations (2020)**

- 5.25 The Hillingdon Local Plan: Part 1: Strategic Policies is the key strategic planning document for Hillingdon. It sets out a long-term spatial vision and objectives for the Borough, what is planned to happen, where and how it will be achieved. Whilst Hillingdon's Local Plan Part 1 includes broad policies for steering and shaping development, **it does not set guidelines for decisions about planning applications or identify specific sites for development.**

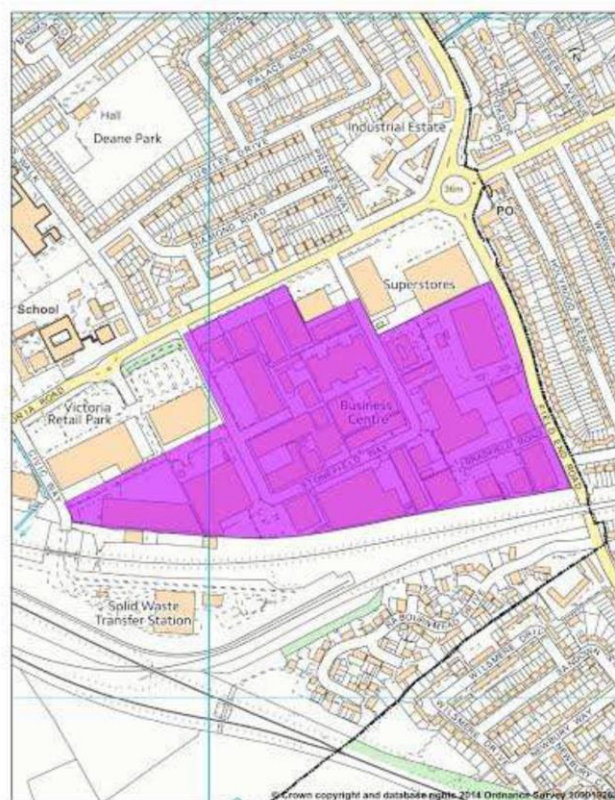
### **Rebalancing Employment Land**

- 5.26 Paragraph 4.6 contains four regionally important Strategic Industrial Locations (SILs), totalling around 270 hectares:

- 1) Hayes Industrial Area: Preferred Industrial Location
- 2) Uxbridge Industrial Estate: Preferred Industrial Location
- 3) Stonefield Way, South Ruislip: Preferred Industrial Location
- 4) North Uxbridge Industrial Estates: Industrial Business Park

- 5.27 A review of these sites was undertaken as part of the 2014 update to the ELS. It was concluded that all four SILs continue to perform a strategic function and should be retained.

**Map E: Stonefield Way, South Ruislip SIL (PIL)**



**Rebalancing Employment Land**

## 6.0 THE PLANNING CASE

### Introduction

- 6.1 This section will demonstrate that the proposed change of use from industrial/storage (Use Class B2/ B8) to a gymnasium (Use Class E(d)), constitutes an acceptable form of development, with this resubmission overcoming the concerns raised by the Council in the refusal of application reference APP/R5510/W/22/3313644, and the Planning Inspector in the dismissal of appeal reference 66683/APP/2022/1338 on 2<sup>nd</sup> October 2023.

### Background to Case

- 6.2 The previous application reference 66683/APP/2022/1338 (see **Appendix A**) which also proposed a 'Change of use from industrial/storage (Use Class B2/ B8) to a gymnasium (Use Class E(d))' was refused – 13<sup>th</sup> October 2022 for the following reason:

1. *The development proposal would result in the loss of 550sq.metres of B2/B8 floor area within a Strategic Industrial Location. In the absence of any supporting information to justify the loss of the B2/B8 unit, the principle of development is considered to be unacceptable. For these reasons the development proposal conflicts with Policies E4 and E5 of The London Plan (2021) and Policy DME 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*

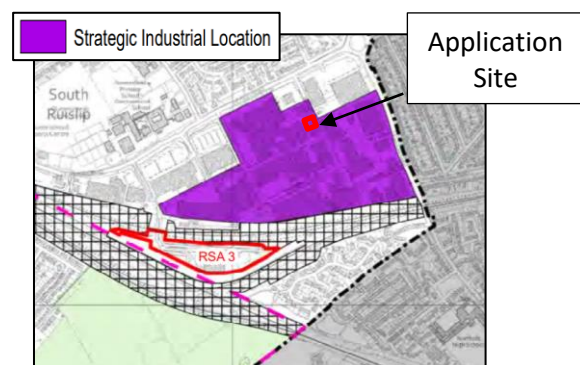
- 6.3 The subsequent appeal under reference APP/R5510/W/22/3313644 was then dismissed on 2<sup>nd</sup> October 2023, with the main issue considered to be the effect of the proposed development on industrial and warehousing floorspace capacity in a Strategic Industrial Location.

- 6.4 Together with the above considerations, the following issues will be discussed in this application submission which relate to:

- Principle of development
- Impact on the amenities of the occupiers of neighbouring residential properties
- Impact on street scene
- Traffic Impact/pedestrian safety
- Carparking and layout




### Principle of development – existing site

- 6.5 The application site is located in a Strategic Industrial Location (SIL) where London Plan (2021) Policies E4 and E5, and Policy DME 1 of Hillingdon Local Plan Part 2 Development Management Policies (2020), seek to promote business by maintaining a sufficient supply of land and premises to meet current and future demands for industrial and related functions.



**Excerpt from the Revised Policies Map**

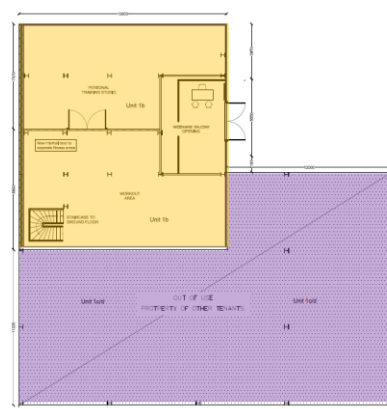
- 6.6 In regard to the existing use of the building, this contains units 1a, 1b, and 1c/d, with unit 1b currently containing a gym that has occupied this unit for five years, with permission granted under reference 72194/APP/2017/14 on 10<sup>th</sup> January 2017. The existing building is divided as follows:

UNIT No.	Use Class	Floor	Area
 <b>UNIT 1a</b>	B8 + Lobby	Ground Floor	77sqm + 35sqm
 <b>UNIT 1b</b>	E(d)	Ground/First Floor	682sqm
 <b>UNIT 1c/d</b>	Primarily B2	First Floor	366sqm

- 6.7 The existing gym therefore measures 682sqm and the change of use proposed would add 478sqm, resulting in a total area in E(d) use of 1160sqm.
- 6.8 The first floor offices of unit 1c/d are currently unoccupied and the ground floor storage in unit 1a is being used as temporary storage by an Amazon seller, which started following the refusal of permission and is soon to end, then units 1a and 1c/d will both be vacant once again.



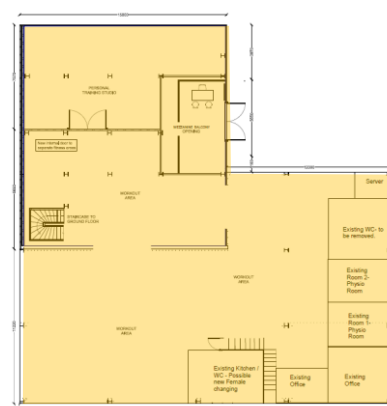
**Existing Ground Floor Plan**



**Existing First Floor Plan**



**Proposed Ground Floor Plan**



**Proposed First Floor Plan**

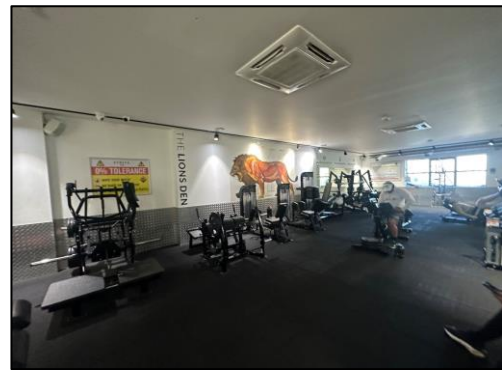


Principle of development – proposed change of use

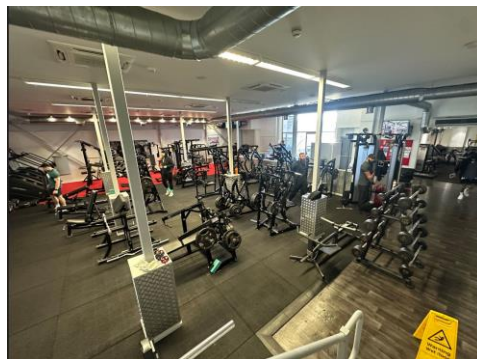
- 6.9 The existing building currently contains a successful gym which is looking to expand in size and member numbers, as the business has more demand than capacity and is currently struggling to accommodate the amount of people that want to join the gym and take part in the classes they offer. In order to retain their existing dedicated members and increase the number of memberships they can offer, the most practical solution would be to occupy more floor space within the existing building, with the units 1b and 1c/d amalgamated with the existing gym layout, to increase facilities and accommodate more members.
- 6.10 The new space would improve the services offered, whilst also increasing capacity from approximately 1000 members up to a maximum of 1500. The existing gym, which has provided a very high standard of facilities and equipment, complemented by professional employees with their own specific set of expertise for 5 years is pictured below.



**Reception Café & Refreshment Area**



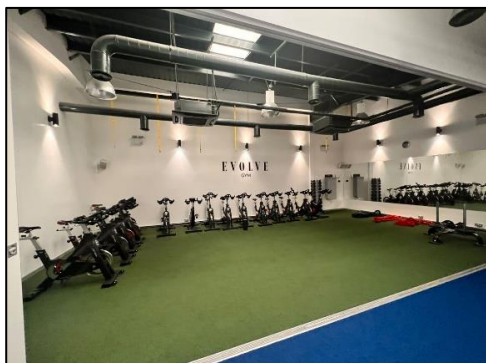
**Weights Area**



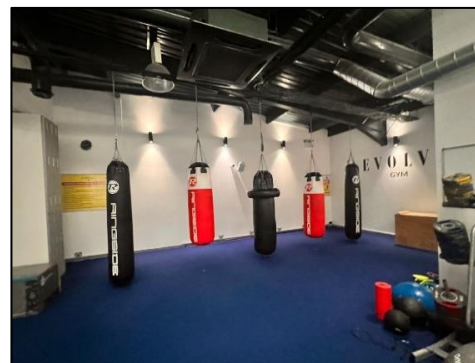
**Weights Area**



**Treadmills**



**Spin Studio**



**Boxing Studio**

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- 6.11 The changes will include larger changing rooms, a sauna, a larger weight area and more exercise machines, together with a wider variety of classes and after-school clubs proposed. The existing entrance for unit 1a may also be used as a secondary access and reception point, with the following images of units 1a and 1c/d to be converted to the same high specification.



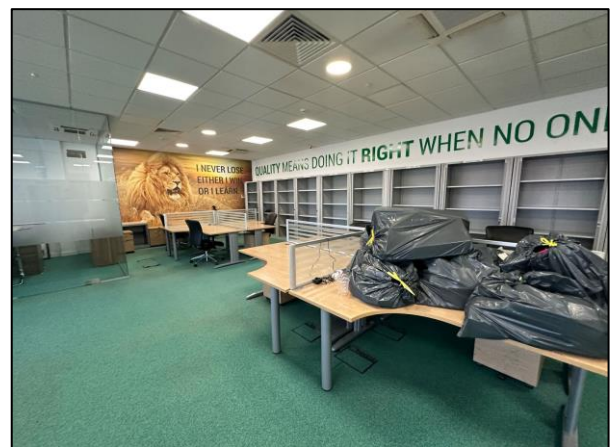
**Entrance and ground floor unit 1a**



**Ground floor storage area unit 1a**



**First floor kitchen and office unit 1c/d**



**First floor office unit 1c/d**

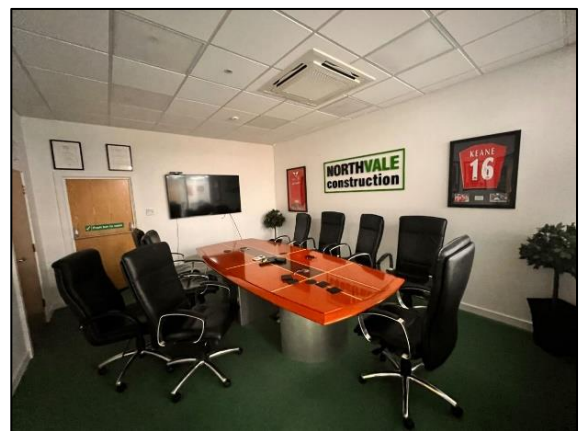
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**First floor office unit 1c/d**



**First floor offices unit 1c/d**

- 6.12 Since the previous application under reference 72194/APP/2017/14 was approved, the planning policies have been updated, however the principle of protecting the industrial area from an unsuitable change of use has not changed. In the report for this previously approved gym, the Planning Officers note that due to the size of the warehouse, the applicant was finding it difficult to seek a tenant with a compatible use to suit their working environment and current occupation, and it was considered that *“The specific proposal for the fitness gym, would have a minimal impact on the current daily operation of the business use of the rest when the full context of the site and the circumstances of this case are taken into consideration, it is argued that the change of use ought to be supported”*.
- 6.13 The Local Plan Policy DME 1 states that the Council will support industrial and warehousing uses (Use Classes B1 (c) – now Use Class E(g), B2 and B8) and Sui Generis uses that are appropriate in an industrial area within Strategic Industrial Locations. Due to the site’s location within a SIL, it was stated by the Planning Officer in the previous refusal that the proposed use as a gymnasium would not fall into one of the uses listed in Policy DME 1 i.e. class E(g), B2 or B8. Furthermore, it was highlighted that the strategic importance of the SIL is protected by the provisions of the London Plan and the Local Plan, and as such, any departure from the industrial-type activities listed in Policy E4 of the London Plan (2021) must be appropriately justified.

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- 6.14 In this regard, it was assessed by the previous Planning Officer that the application under reference 66683/APP/2022/1338 did not include *“any supporting information to justify the loss of the B2/B8 use within a Strategic Industrial Location. The principle of development is therefore considered to be unacceptable”*.
- 6.15 However, during the previous application process, the applicant did request supporting information from the company Chamberlain Commercial UK Ltd, as they had assisted in the marketing and rental of this property since 2016. As such, they provided their professional opinion on the likelihood of finding an alternative company to take over the office and storage space within units 1a and 1c/d, as they had previously found 4 different tenants over the years.
- 6.16 Their response is contained within **Appendix C** of this submission as although the information provided was not considered sufficient to fully support the approval of the proposed change of use, Tony Chamberlain of Chamberlain Commercial UK Ltd has extensive experience in all aspects of commercial real estate with a comprehensive knowledge of the north-west London property market, and his opinion therefore ought to be given weight when considering the current application.
- 6.17 Following a past assessment of units 1a and 1c/d during a meeting at the application site on 26<sup>th</sup> September 2022, his email explained the rental situation for units at that time, with the prospect of finding a tenant for the office space described as ‘not good’. It was explained that the local office market has changed out of all recognition since the Covid lockdown, resulting in the demand for secondary office space being at an all-time low, with the email going on to state that *“There is hardly any demand for pure office space in locations such as Stonefield Way and certainly not for offices of nearly 4,000 sq ft with limited parking”*, and as such, they declined the opportunity to market the units, stating *“as there is no real prospect of leasing your office space in the current market. Our recommendation is to continue with your efforts to find alternative uses for the space”*.
- 6.18 As shown in the adjacent photograph, a company that agreed to market the units was eventually found and **Appendix D** contains the marketing literature, although there has been no interest and the most logical use of this space therefore remains the scheme put forward within the current application.
- 6.19 As highlighted by Chamberlain Commercial UK Ltd, the demand for large office space in industrial settings has disappeared and the storage space offered by unit 1a is often too small to meet the needs of companies that have enquired. This trend has continued beyond the Covid pandemic, with many companies having changed the way they operate, finding that working from home for employees is more efficient and cost effective for all.



**Previous Marketing Signage**

- 6.20 The previous application was also supported by information to demonstrate the vast number of similar use sites and buildings within the locality, which were vacant and also sought to attract similar tenants. The oversupply and lack of demand were evident at that time, and up-to-date information of the current market has therefore been provided with this statement, to show that the situation has not changed significantly in the past few years (see **Appendices E - L**), with the proposed change of use offering a viable and effective solution in the changing commercial property market. Appendices E – L detail a section of nearby sites that are available, with many having multiple units at one address.
- 6.21 In regard to the Planning Inspector's Appeal Decision, this confirmed the main issue to be the property's location within a Strategic Industrial Location (SIL), as these sites are described in the London Plan as the capital's main reservoir for industrial, logistics and related uses, which gives them strategic protection as they are described as *"critical to the effective functioning of London's economy."*
- 6.22 Policy E5 of the London Plan is supported by Policy DME 1 of the Local Plan, which defines the boundaries of SILs in the borough to protect and intensify their function. Policy DME 1 also establishes those circumstances where the use of land or premises in a SIL may change from the various industrial and related functions described in the development plan. The Inspector explains that *"the circumstances where alternative uses could be supported require some demonstration that there is no realistic prospect of industrial and related functions being developed on the site, sites have been vacant and consistently marketed for two years, and there would be no other conflict with the development plan."*
- 6.23 In regard to the previous application reference 66683/APP/2022/1338 the Inspector confirmed that *"Although the main parties make no reference to other conflict with the development plan, the proposal would result in the loss of a significant amount of space from a use which, notwithstanding the last use of the first floor being an office, is described as industrial/ storage (B2/B8 uses)."*
- 6.24 The supporting evidence submitted with the previous application, was acknowledged by the Inspector stating *"there is evidence of marketing, and an opinion from a commercial agent suggests little demand for offices of the size available at the appeal site."*
- 6.25 Moreover, the Planning Inspector also stated that *"The availability of other premises nearby is a relevant consideration to which I attribute moderate weight."*
- 6.26 However, it was considered that the information available did not confirm the period over which marketing had been carried out and did not clearly specify that the site would be available for B2 and B8 uses. It was therefore considered that *"In terms of the policy approach, the evidence does not adequately demonstrate that there is no realistic prospect of industrial, logistics and related uses taking place on the appeal site. In these respects, the proposal fails to accord with the requirements in the development plan and would compromise the Council's industrial land and premises strategy."*

6.27 Nevertheless, there were positive points made in regard to the expansion of the gym that has operated in the adjoining unit since 2017, with the Inspector noting that:

- ***“The scheme would use vacant space that it is argued is unlikely to otherwise be put to economic use in the near future because of the nature of the commercial property market” and***
- ***“The proposal would provide economic benefits in respect of additional jobs, and it would support the health and well-being of gym members” and***
- ***“These benefits would accord with the social and economic objectives of the National Planning Policy Framework and its requirement of promoting healthy and safe communities and building a strong, competitive economy.”***

6.28 Although it was stated that these matters were attributed significant weight, the failure to demonstrate that adequate steps had been taken to market the space for the required period and in an effective way for appropriate industrial, logistics and related uses in accordance with the development plan was not considered to be outweighed by these benefits. It was therefore concluded that the proposed development would conflict with Policies E4 and E5 of The London Plan and Policy DME 1 of the Local Plan which collectively, in summary, seek to maintain a sufficient supply of land and premises to meet current and future demands for industrial and related functions.

6.29 The current submission therefore includes the marketing information that was considered to be lacking in support of application reference 66683/APP/2022/1338, with a marketing campaign having been carried out in the intervening period, since the refusal in 13<sup>th</sup> October 2022 (see email correspondence with agents contained in **Appendix M**) and a Marketing Report, compiled by Tony Chamberlain, of Chamberlain Commercial LLP, dated 3<sup>rd</sup> December 2024 now accompanies the current application.

6.30 As detailed in Section 3.0 of the Marketing Report, the vendor instructed Clive Lawrence & Partners on 31<sup>st</sup> October 2022 to market the office space by way of a new lease. The space was listed with several size options of 1,500 sq ft, 2,500 sq ft & 4,000 sq ft. The property was featured on the agent's website and also appeared on the property advertising platform of Zoopla Commercial. The office space was continually marketed by Clive Lawrence but despite their best efforts, there was no interest from tenants.

6.31 On 7<sup>th</sup> November 2023 the vendor instructed Chamberlain Commercial as letting agents, as this is a long established firm of commercial property consultants based in Harrow Town Centre with a strong knowledge of the local markets in both the London boroughs of Harrow and Hillingdon, with Chamberlain Commercial remaining the current letting agents to date.



**Current Marketing Signage**



- 6.32 As detailed within the marketing literature attached to the Marketing Report, the original vendor Clive Lawrence & Co advertised the space at a rate of £25 per square foot, with their letter dated 27<sup>th</sup> September suggesting this starting price, with a recommendation to give serious consideration to any offers over £20 per square foot, which the landlord agreed as a positive plan of action.
- 6.33 However, this course of action was not successful, as Clive Lawrence & Co wrote to the landlord on 19<sup>th</sup> February 2024 to inform them that they had not be able to find any tenants who were prepared to agree a lease on the property.
- 6.34 Chamberlain Commercial also marketed the property, with a reduced rate of just £18 per square foot at a later date as no tenants could be secured, and even then, no interest in the uptake of a lease has been forthcoming.
- 6.35 The Marketing Report also contains details of advertisements placed on the commercial sites of Rightmove and Zoopla, which the letting agents arranged, together with direct mailing of their client bases and a number of operators who may have been interested in providing serviced office accommodation. The agents also supported the digital marketing scheme with on-site To Let boards as pictured on the previous page.
- 6.36 The conclusion drawn within the Marketing Report highlights the ongoing issues with finding tenants for office space within West London, which continues to be a struggle following Covid-19 as many companies have now adopted a permanent Work from Home structure. The letting agent confirms that Office demand is now primarily for town centre buildings where employers can offer staff a more appealing work experience with the benefits of nearby public transport, shopping and recreational facilities.
- 6.37 Furthermore, it is pointed out that this property was originally designed to provide warehouse space with high office content on the first floor, which very much suits its location on a trading estate and close to motorway links. However, as the ground floor area is now largely utilised as a gym, the stand alone office space of 4,000 sq ft is unappealing to professional companies, who would typically accommodate around 40 people in an office of this size. It is obviously impractical to use the upper floor for warehousing/storage, and the distance from the underground station, together with an insufficient number of all day office worker car parking spaces, in an area where all day public parking is not available, further deters tenants from taking on a lease.
- 6.38 Given that continuous marketing has now taken place for over two years, it is argued that the previous reason for refusal can no longer be justified, with the proposal not complying with the requirements of Policies E4 and E5 of The London Plan and Policy DME 1 of the Local Plan. Moreover, there is a demand for the additional gym use, which brings both social and economic benefits to the area, creating employment, improving fitness and mental health, and supporting community cohesion which have become more important factors given the isolation felt by many due to the new working from home culture.



Impact on the amenities of the occupiers of neighbouring residential properties

- 6.39 Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 6.40 The site is within a business park and not in proximity to residential dwellings, and it is therefore ideally located where any potential noise from the activities within the gym, or generated from the comings and goings of staff and clients will not cause any disturbance.
- 6.41 The location of gyms can result in noise issues arising from music played within the venues during classes and the sound of early morning, late evening and weekend arrivals at the premises, which conflict with residential settings, as these times are generally when people are sleeping or relaxing and would object to the introduction of a use such as this in close proximity to their homes.
- 6.42 In regard to the previous application under reference 66683/APP/2022/1338, the Planning Officer stated that *"The use of the site as a gymnasium has been assessed by the Council's noise specialist who does not raise any adverse comments or suggest any mitigation measures are required to be secured by condition"*. Furthermore, it was added that *"Given the commercial nature of the surrounding properties it is not considered that the proposal would cause any noise or nuisance to neighbouring properties"*. Consequently, the Council previously concluded that the proposed change of use of the remainder of the unit would be considered acceptable with regard to amenity considerations.
- 6.43 The Planning Inspector also commented that *"the effects of noise from the proposal and the effects of the proposal on nearby residents are not matters in dispute between the main parties and are neutral in my consideration of the proposal."* The current proposal therefore ought to also be deemed acceptable in this regard.

Impact on street scene

- 6.44 The proposed development would maintain the outer appearance of the building and it will therefore remain in keeping with the character and appearance of the surrounding area, the Council has therefore stated that its visual impact is acceptable.
- 6.45 The proposal therefore meets the requirements of Policies DMHB 11 and Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), with any advertisement consent for exterior signage to be applied for separately, with the Planning Inspector confirming in relation the previous identical proposal *"No harm to the appearance of the building or to the street scene would arise."*

Traffic impact/pedestrian safety

- 6.46 The Highways Officer reviewed the previous application and advised in 2017 the proposal was assessed in terms of traffic impact and parking demand, and it is considered that the information provided at that time remains valid today, particularly in the context of the absence of a prescriptive standard associated with the necessary level of car parking.

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**Parking provision in Chancerygate**



**Existing cycle storage to be increased**



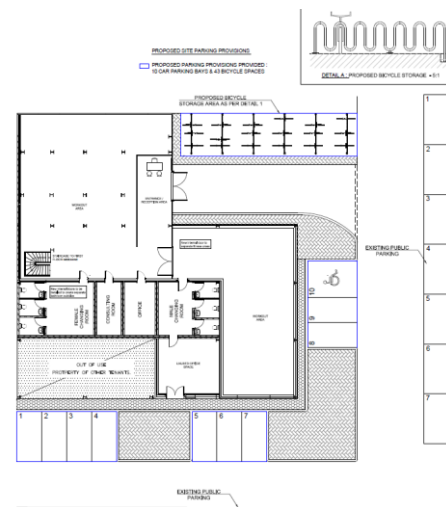
**Parking in front of unit on Stonefield Way**



**On-street parking on Stonefield Way**

6.47 The current proposal has 10 on-plot car parking spaces (including 1 disabled compliant) as indicated directly adjacent to the building, and will provide 7 suitably located cycle spaces alongside the existing entrance of the gym. There are also plenty of on-street public parking spaces available that are unrestricted opposite the site on both Chancerygate and Stonefield Way.

6.48 The Council note that a Travel Plan was secured via planning condition which should be replicated with this current application.



**Proposed Parking Plan**

6.49 In regard to the previous application under reference 66683/APP/2022/1338, the Planning Officers recommended that if the proposal had otherwise been acceptable the relevant conditions would be attached to any planning permission, which the applicant would be willing to agree to. Given the comments of the Highway's Officer, and subject to conditions, it was therefore considered that *"the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021)"*.

- 6.50 In relation to the previous appeal, the Planning Inspector commented that *“Notwithstanding concerns about highway safety expressed by a neighbouring business, this matter, along with the provision of parking.... are not matters in dispute between the main parties and are neutral in my consideration of the proposal.”*

#### Carparking & layout

- 6.51 The Council previously noted that the only additional 'parking related' demand since the 2017 consent would be a 5% provision of both 'passive' and 'active' electric vehicle charging points equating to 1 space for each provision. Therefore, the Delegated Report stated that *“If the application had been recommended for approval a condition securing this would have been included”*.
- 6.52 The applicant would be willing to comply with the suggested condition, if added to the current scheme, so that the proposal can meet the requirements of Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), which seeks to ensure that all development accords with the car parking standards set out in Appendix C, Table 1.

## **7.0 CONCLUSION**

- 7.1 It is considered that this proposal is entirely acceptable in planning terms and that this statement to support the application has demonstrated that there can be no objection to the broad principle of the development, given the additional supporting evidence provided in the form of the Marketing Report, which outlines the consistent marketing for over two years; as such, there would be no conflict with the development plan.
- 7.2 This statement has demonstrated that the proposed extension in floor area for the existing gym into the existing B2/B8 related office space will make the best use of the units available, as these units have been continuously and rigorously marketed by two very experienced commercial letting agents over the last two years, and have failed to be let since the refusal of application 66683/APP/2022/1338 on 13<sup>th</sup> October 2022.
- 7.3 For the reasons set out within this statement, it is asserted that the proposed change of use from industrial/storage (Use Class B2/ B8) to a gymnasium (Use Class E(d)) to increase the size of the existing gym and improve the variety of the services offered ought to be deemed acceptable in principle and to meet the requirements of Policy E5 of the London Plan and Policy DME 1 of the Local Plan, which provides a local policy developed to define the boundaries of SILs and protect and intensify their function, with Policy DME 1 also establishing those circumstances where the use of land or premises in a SIL may change from the various industrial and related functions described in the development plan to alternative uses.

- 7.4 The Council and the Planning Inspectorate previously agreed that the applicant failed to provide enough supporting evidence in relation to marketing, to justify the loss of the B2/B8 use within a Strategic Industrial Location, therefore, this application is supported by a Marketing Report from Chamberlain Commercial PPL, which details the marketing campaign undertaken by the landlord, and explains the lack of demand for office use such as that provided by unit 1d/c.
- 7.5 Moreover, this statement is accompanied by an Appendix, which details just a selection of the premises for rent or sale within a 1 mile radius of the application site, that offer a range of offices and/or storage uses, with the market saturated by high quality refurbished office space that is conveniently located close to other amenities.
- 7.6 Given the previously approved change of use of unit 1b, and the successful business created due to hard work and the investment to provide a high quality gym, it is argued that the expansion of this business should be supported in this location, which will provide additional employment and support the local economy by allowing this and other dependant businesses to thrive.
- 7.7 The previous Planning Officer also acknowledged that the earlier proposal submitted under application reference 66683/APP/2022/1338 would not have harmed the character of the area, or the amenity of any residents or nearby businesses, with the Highways Officer having also confirmed that the site would be able to provide the required car and cycle parking.
- 7.8 Therefore, it is requested that the existing successful business is allowed to expand, with additional information having been provided by the applicant to explain the lack of demand for the small storage facility in unit 1a and the inability of unit 1c/d to compete with the many offices available to rent in the area, with no interest yet from any other potential tenants.
- 7.9 The economic and employment benefits of allowing the required change of use far outweigh the prospect of the units remaining empty, with the service provided also improving the health and well-being of its users, the sustainable business ought to be supported.
- 7.10 The National Planning Policy Framework (2024) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. Successful small businesses ought to be supported and encouraged, with the reasons for allowing the change of use, vastly outweighing the reasons for refusal. It is therefore politely requested that this application is granted, and that if any further clarification is required in regard to the marketing that has taken place, then this is requested during the application process, as it can be provided without delay.