

2022/1257

Christopher Newton

Use of upstairs of building for gym (Class E)

134 High Street, Thurnscoe, Rotherham, S63 0QY

Description

134 High Street is known as the Butchers Arms and is currently used as a Public House at ground floor level with residential accommodation above. The applicant states that the room in question has been unused for 14 years and was previously used as a gym in the 90's however there are no previous planning applications for this use.

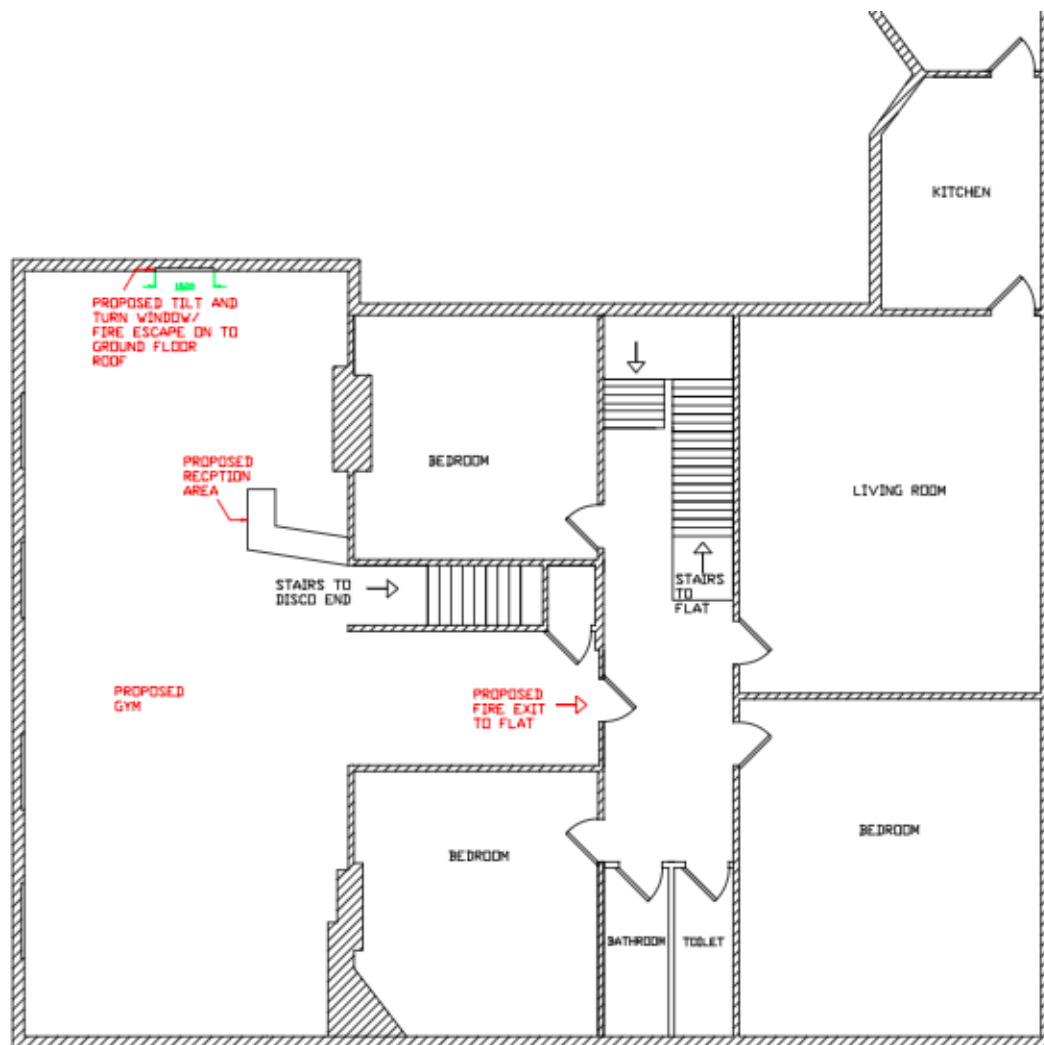
The site is set in a mainly residential area and has a large car park to the front and garden to the rear.





health workshops. Groups sizes will be kept below 15 and there is no intentions to have it used as a weighted gym. Exercises classes will include Yoga, Thai Chi, Taekwondo, Boxercise, Muscle strengthening and Chair Aerobics. We would like to replace the current windows; but no structural changes to the building itself are planned - only remedial work like plastering and decorating to the already existing room.'

The proposed opening hours are 10am to 8pm Mondays to Saturdays and 10am to 4pm Sundays and Bank Holidays.



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

Policy POLL1 Pollution Control and Protection

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Policy D1 High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy T4 New development and Transport Safety

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

NPPF

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Supplementary Planning Documents (SPD):

Parking – sets out parking standards that will be applied to all new development.

Consultations

Highways DC – No objections
Pollution Control – No objections subject to conditions
Drainage – Details to be checked by Building Control
Ward Councillors – No comments received
CAMRA – No comments received
Yorkshire Water – No comments received

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site; the following comments have been received:-

1 objection which states the following:-

'Living at the side of this property we have a current major issue with cars using the public house blocking our access. This has been an issue for many years. There is limited car park near the property which can be very restricting for access to my property. The side of the butchers arms is access only but the customers of the pub frequently do not use the pub car park but park up the side. These vehicles can be left un attended all night and would pose a risk to any emergency vehicles trying to access properties from the rear. And for us to get our vehicle off our drive. There's are signs on the drive gates advising the drive is used often and to keep clear be these are ignored.'

13 Comments of support which state the following:-

- The gym would have a positive impact upon the area
- It will keep adults and children fit and healthy
- This will be amazing for the community and young people will give them some where to go and help sort them out instead of running riot round the village and also help people with mental health issues

Assessment

Principle of Development

The proposal lies within an area of Urban Fabric (no specific allocation) on the Local Plan Proposals Map, where development may be considered acceptable where, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents and where they are compatible with neighbouring land and will not prejudice the current or future use of land. The proposed gym is small in scale and utilises an existing unused space within the Public House Building and would complement the existing community use. The proposal is therefore acceptable in principle.

Other issues such as the impact upon residential amenity and highway safety and compliance with policy GD1 are assessed below:-

Residential Amenity

The main issue is considered to be the impact of the change of use upon the residential amenity of neighbouring properties. The Council's Regulatory Services team have been consulted and have no objection to the proposal.

The proposed gym utilises an existing unused space within the Public House Building and is small in scale and there would not be any significant impact upon neighbouring residents by way of noise or disturbance. It is acknowledged that there are some residential properties within the vicinity however it is considered that the proposal would not have a significant detrimental impact on amenity of the adjacent residential property by way of noise/disturbance, subject to the specified opening hours of 10am to 8pm Monday to Saturday and 10am to 4pm Sundays and Bank Holidays. The proposal is considered to be acceptable when measured against policy GD1 of the Local Plan subject to a condition which limits the use of the room as a gym only and no other Class E uses.

Visual Amenity

No external alterations are proposed. Any signage, subject to the size and illumination, may require separate consent.

Highway Safety

The Highways Officer has been consulted as part of the application and has provided the following comments: 'The room being used is clearly part of the commercial area of the pub accessed by an internal door and entirely separate from the first floor living quarters. It is apparent that this could therefore be used for a number of endeavours that would generate higher levels of traffic than the proposed exercise facility without the need for planning permission.'

Additionally, the scheme is being funded as a local initiative to improve health amenities in Thurnscoe, so is unlikely to generate the same amount of private car trips as a commercial gymnasium. Given this, Highways has no wish to raise objection to the scheme. No specific conditions are deemed necessary.'

The proposal would therefore not cause any significant highway safety or parking issues in accordance with policy T4 of the Local Plan.

Recommendation

Approve subject to conditions

