2023/0273

Mr Rob Bowman Taylor

Erection of ground floor extension to existing building to extend the size of the gym facilities and creation of a new car parking area.

Muscle Unit Gym, 26 Laxton Road, Athersley North, Barnsley, S71 3DH

Site Location and Description

The application site is a part two storey, part single storey detached building, with black painted facing bricks and flat roofs. The building sits to the left hand (north) of the site frontage with an existing car park accessed from the right hand (south) side of the site frontage. Laxton Road has a footway on the application site side of the road, but on the other side of the road there is no footway., only a grass verge which appears to be subject to unauthorised parking, with fenced greenspace of Newstead Road recreation ground with play equipment, beyond.

The wider area is predominantly residential but to the immediate south of the application site is a recently permitted building with a swimming pool at ground floor and a flat over; and beyond that is local convenience store. A public footpath runs along the north boundary connecting Laxton Road with Beeston Square to the east.

Site History

2016/0514 – change of use from training centre (D1) to gym and fitness centre (D2) approved subject to conditions including hours of use.

Proposed Development

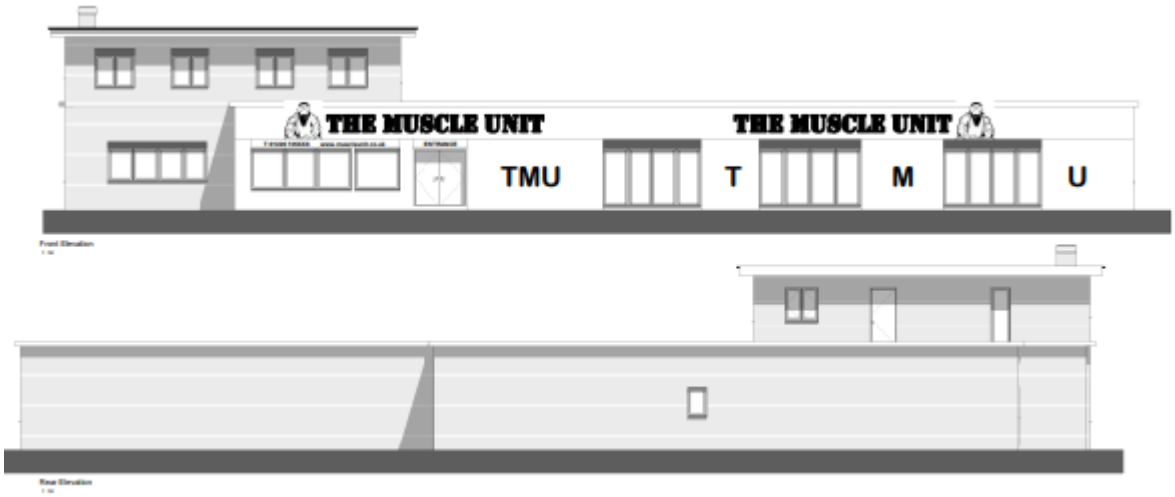
The applicant seeks permission to extend the gym and move the car parking to the site frontage – with parking provision of 12 spaces, 6 of which would be tandem. The application has been amended several times to address concerns about the previously proposed café/restaurant which the agent has now confirmed is not part of the proposal as it is no longer operational; about the relationship of the originally proposed first floor extension with the dwellings to the east; and about the suitability of the amended car parking layout.

The most recent amended plans show an increase in floor area from the existing 580sq m to 767sq m – an increase of 187sq m i.e. 32%. The agent has confirmed that the gym is currently over capacity at 27 members and there is no intention of increasing the membership number – the extension is to provide a better and more spacious environment for its current users.

The original application form (based on a larger extension of 450sq m) indicated no change in the number of employees (3 no) and no change in the number of parking spaces (10 no)

The application is supported by a retail sequential test assessment

Proposed front and rear elevations



Proposed site plan showing parking layout



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.

Local Plan

The Local Plan was adopted by the Council in January 2019. Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held on 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.

The site is in an area designated as Urban Fabric on the Local Plan Proposals Maps reflecting the existing built-up character. The following policies are relevant:

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians of cycles. Also sets criteria in relations to minimum levels of parking, provision of transport statements and of travel plan statements.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy TC1 Town Centres – indicates that new retail and town centre development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

NPPF

The National Planning Policy Framework 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.

Para 85 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.

Para 91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre not in accordance with an up to date plan.

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety

Para 131 – 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

Supplementary Planning Documents (SPD):

Parking SPD – gives guidance on parking standards and indicates that the Council encourages the provision of electric vehicle charging infrastructure.

Residential amenity and the siting of buildings SPD – sets out the design principles that will apply to applications for non-residential buildings in proximity to existing residential properties.

Consultations

Highways DC – (in response to reconsultation on the latest amended plan) expresses concerns about the proposed large open parking directly on the back of the footway, as it is the only footway serving the street, this parking arrangement wouldn't be looked on favourably with any new development and the tandem spaces will cause conflict for clients arriving and departing at different times. Expresses surprise that the expansion of the gym will not result in new clients or membership, notes there would be no means of securing this and that the business social media pages indicate an active presence and promotion of the gym. Confirms objection is on the basis of road safety in that pedestrians would be vulnerable due to the parking arrangement.
Pollution control – the development has the potential to have an adverse impact on health and the quality of life of those working in the location and a condition is recommended relating to hours of construction/demolition.
SYMAS – the site does not lie within a Coal Authority Referral Area and only an informative is required.
Public Rights of Way – there is a public footpath that runs to the north of the development site, it does not appear to be directly affected by the proposal and there are no objections subject to an informative
Ward Councillors – No response

Representations

The application has been advertised by means of letters to nearby properties and a site notice. One representation has been received objecting to the extension on the grounds of noise, disruption, overlooking and that there aren't enough parking spaces so cars will double park on Laxton Road during busy times.

Assessment

Principle of development

The application site has a designation of urban fabric in the Local Plan where Policy GD1 sets a range of criteria against which planning applications must be judged.

As the proposal is for a main town centre use in an out of centre location, consideration against the provisions of Local Plan policy TC1 is necessary.

Retail Policy

The application is for an existing gym to be extended. A gym is a main town centre use, and the application site is in an out of town location. It is accepted retail planning principle that an extension to a main town centre use may justify a sequential assessment. The submitted assessment demonstrates that there is not sequentially preferable location for the proposal, and it is therefore concluded that the proposal is in conformity with Local Plan policy TC1.

Highways safety

Noting the advice of highways development control that the proposal will result in a large open area of parking directly on to the back of the footway and therefore require vehicles to reverse on or off the parking area in a manner that is likely to result in pedestrians being vulnerable due to the parking arrangement; and also that the proposed tandem parking arrangement is likely to be inconvenient and cause conflict for clients arriving and departing at different times, it is concluded that the application fails to provide safe, secure and convenient access to the parking provision and is contrary to Local Plan policies T3 and T4.

Residential amenity

The proposed extension has been reduced in size to address the requirements of the Residential amenity and the siting of buildings SPD and is now considered acceptable in this regard.

The objection related to noise, disruption and overlooking is not supported. The proposal extension is not considered disproportionate in scale in relation to the existing gym and it is therefore considered unlikely that there would be an unreasonable increase in any noise and disruption from the extended gym. Further, the reductions in the size of the gym extension included removing the originally proposed first floor extension and it is therefore not considered that the amended scheme would cause any increase in overlooking.

Reflecting the advice of pollution control, it is concluded that the proposal is acceptable from a residential amenity perspective, and if permission were recommended it would be subject to a condition restricting hours of construction/demolition and the proposal would be in compliance with Local Plan policies GD1 and Poll1.

Conclusion

The proposal will make a contribution to the business interests by providing a more spacious environment, but this carries very limited weight, noting that the applicant indicates that there will be no increase in customers or employees. Weighed against this are the highway safety concerns from the manoeuvres associated with a new parking area on the back edge of the footway and the inconvenience of tandem parking which risks rendering some of the parking spaces unusable. The proposal is considered to have a neutral impact on residential amenity and to be acceptable in design terms. However given the concerns in relation to the proposed parking arrangements, it is concluded that permission should be refused on highway safety grounds.

Recommendation: Refuse