

<b>Application reference number</b>	2025/0164
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<b>Application Type</b>	Full planning permission
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<b>Proposal Description:</b>	Retrospective permission for extension to kick-boxing studio and associated alterations
<b>Location:</b>	Cool Kidz R Us, Church Street, Royston, Barnsley, S71 4QU

<b>Applicant</b>	Mr Richard Andrews
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<b>Number of Third Party Reps</b>	4	<b>Parish:</b>	n/a
		<b>Ward:</b>	Royston

## SUMMARY

The proposal seeks full planning permission to retain an extension to the kick-boxing studio.

The proposal is considered to be acceptable in policy terms, the site being designated as Urban Fabric with the Local Plan policies map and the existing building being in authorised use as a kick boxing studio.

The report demonstrates that the harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network and highway safety conditions in the vicinity of the application site, trees, biodiversity, stability of the wider character of the area subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**

## Introduction

- The proposal seeks full planning permission to retain an extension to the kick-boxing studio.

## Site Description

The site currently accommodates the kick boxing studio which it is understood has previously been used as a health clinic and a children's nursery. The building is single storey, has a mixed red brick and black finish and a shallow pitched roof. The site is in a backland setting, located behind terraced housing fronting onto Church Street. Access to the site is taken from between 15 and 21 Church Street and there is some provision on site for parking. The immediate surroundings are otherwise wholly residential with the exception of

Parkside Primary Academy which is located a little way to the east of the application site. The application indicates that there are 6 parking spaces and 10 cycle spaces on site and it is not proposed to change this.

## Proposal

The application seeks full planning permission to retain an extension to the existing building. The existing building is indicated to have a floor area of 186 square metres. The extension is indicated to have a floor area of 42 square metres, measuring 5.3 metres by 7.7 metres, and a height at the highest part of the monopitch roof of 3.7 metres high. It has a black clad finish to match the black finish of the existing building and has a shallow monopitch roof finished with mineral felt roof. The application indicates that the extension uses part of the previously existing partially enclosed area that extended to the south of main building; and that the extension was completed in March 2025. The application indicates that the gym is open 4pm to 8pm seven days a week. The application is supported by a Design and Access Statement.

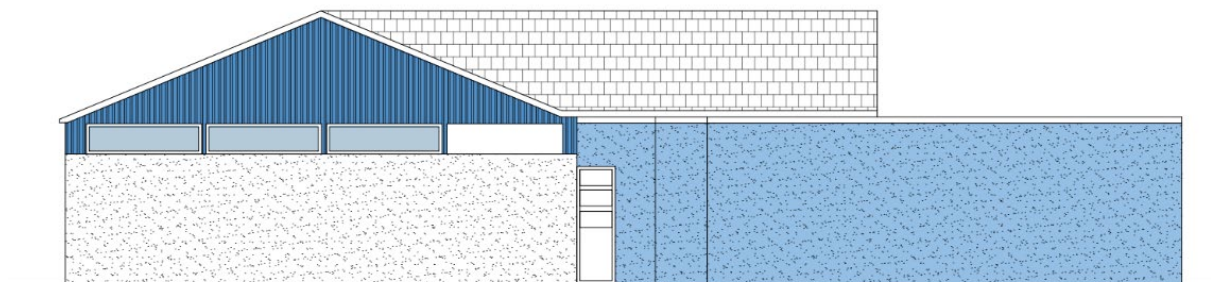
Existing site layout



Proposed site layout.



Previous west facing elevation



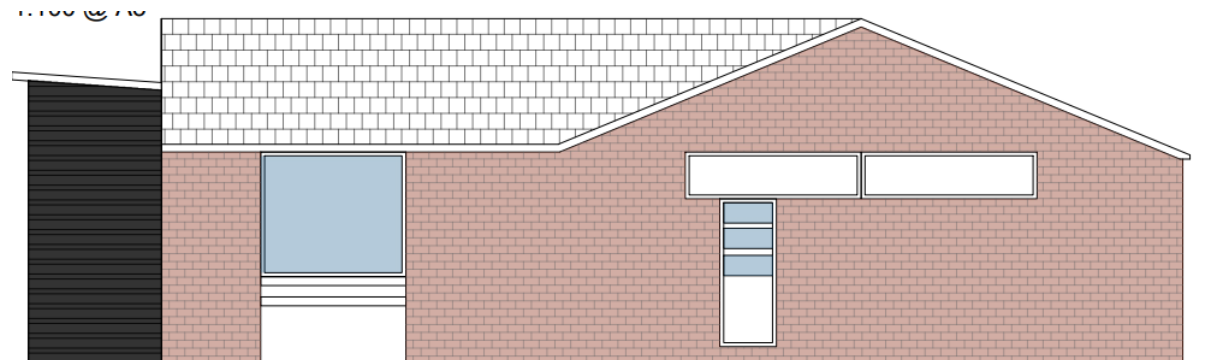
As built west facing elevation



As built south facing elevation



As built east facing elevation



## Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2024/1063	Lawful development certificate for proposed change of use from Day Nursery (Class E (f)) to kickboxing gym (Class E(d))	Granted
2021/1061	Demolition of existing building and construction of detached dormer bungalow	Granted
B/84/1491	Pre dates electronic working	

## Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which 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 identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

**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 and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

**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 BIO1 Biodiversity and Geodiversity** - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

**Policy CL1 Contaminated and Unstable Land** – requires the submission of a report where future users or occupiers of development would be affected by contamination or stability issues, to establish the extent of the issues and set out measures to remove, treat or protect from contamination; or address land stability issues

**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.

**Policy I2- Education and Community Facilities** – indicates that we will support the provision of such facilities, which should be located centrally to the communities they serve, and that such uses will be protected from development unless it can be demonstrated that the sites/premises are no longer required by the existing or an alternative community facility.

Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows  
Biodiversity and Geodiversity  
Residential Amenity and the Siting of Buildings  
Parking

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. NPPF policy of relevance to this application includes:

**Paragraph 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.

**Paragraph 116** - 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.

**Paragraph 124** – planning decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

**Paragraph 129** states that planning policies and decisions should support development that makes efficient use of land.

**Paragraph 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

**Paragraph 187**. Planning policies and decisions should contribute to and enhance the natural and local environment including by (amongst other things) providing net gains for biodiversity including by incorporating features which support priority or threatened species such as swifts, bats and hedgehogs; and preventing development from contributing to unacceptable levels of noise pollution or land instability.

**Paragraph 198** – Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

**Relevant Consultations:**

**Biodiversity-** as the application is for a retrospective development it is exempt from the Biodiversity Gain Condition. Since ideally, the application would have been supported by a Preliminary Bat Roost Assessment and potentially also dusk emergence and nesting bird surveys, efforts should be made to enhance biodiversity on site in accordance with NPPF para 187 and accordingly a condition is recommended to secure installation of bat and bird boxes and features to benefit hedgehogs.

**Highways DC** – No objection, the extension has no impact on existing access or parking arrangements and the slight increase in internal floor space does not appear significant in terms of the number of people who would visit the studio.

**Pollution control** – No objection subject to a condition relating to hours of construction/demolition.

**Forestry Officer** – given any impact to trees will already have occurred due to the works being complete, no objections.

**Mining Remediation Authority** – the site falls within the defined Development High Risk Area (DHRA) where the Coal Authority's general approach is to recommend the submission of a Coal Mining Risk Assessment to support the planning application. However, only the north-western corner of the footprint of the extension encroaches into the DHRA and would appear not to have required substantial foundations or groundworks. In the circumstances it is not considered that a Coal Mining Risk Assessment is required, and The Coal Authority do not object. They do recommend an informative relating to what to do in the event that any coal mining feature is unexpectedly encountered on site.

**South Yorkshire Mining Advisory Service** – The proposed extension is located on the edge of a Coal Mining Risk referral area, but the mining legacy risks are relatively low.

**Ward Councillors** – no comments received.

### **Representations**

Neighbour notification letters were sent to 17 surrounding properties, and a site notice was placed nearby.

Four representations were received.

Three representations, including from users of the gym, supported the proposal and set out how much they value the gym and support the proposed extension. This support is given moderate weight.

One representation from a neighbour objects to the proposal and in particular raises concerns about:

- The long opening hours (9.30am to 10pm, 7 days a week)
- Noise will be made worse by the extension, including from high extra noise levels from the boxing ring and from extra traffic.
- Vehicle manoeuvring in the car park is difficult and made more so by the extension, making it unsafe for pedestrians and vehicles, and causing tail backs outside the site.
- On street parking is causing congestion, blocking neighbours' driveways and obscuring residents' sight for oncoming traffic
- Pollution levels including from parents waiting with engine running for children to finish a class
- Overlooking and loss of privacy to house and garden and loss of enjoyment of residents' gardens.
- Unacceptable appearance of the extension

This objection is given limited weight for the reasons explained below in the assessment.

### **Assessment**

The main issues for consideration are as follows:

- The principle of development
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- Economic and other benefits of the proposal
- The impact on the existing trees and biodiversity considerations

- Stability issues
- Other issues

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of development

The application site is designated as urban fabric in the Local Plan reflecting the existing built-up character of the site. The proposed extension to the existing gym is acceptable in principle subject to consideration of details.

### Residential Amenity

The proposal is located in an otherwise predominantly residential area and the impact of the proposed extension and its use on local residents is an important consideration. The proposed extension as built does not project as close to local residents as the previous partially enclosed area that extended to the south of the main building. The gym as extended with a black finish has a sombre character and is sited on higher ground than the nearest residents, where there are a range of two-metre-high wooden fences on the boundary. However, together with the fact that the extension is located to the north-east of the main neighbours to be affected it is considered that the siting and massing of the proposed extension are acceptable and do not cause any unreasonable dominating or overshadowing impact on local residents.

The extension will result in an increase in the previous floor area of the gym by a little less than 25%. Given that the use of the gym is authorised, the scale of the increase in the use of the gym is not considered to be likely to result in unreasonable levels of additional noise for local residents. The condition recommended by Pollution Control relating to hours of construction is not considered to be necessary since construction has already finished.

The extension includes windows in the south and west facing elevations which could result in overlooking or the perception of overlooking of local residents. Given the separation between the overlooking windows and the neighbouring houses and gardens and the fact that the windows are located at an oblique angle to those houses and gardens, the proposal does not give rise to an unreasonable degree of overlooking or the perception of it.

While the proposal extension increases the floor area of the gym by a little less than 25% there is no proposal to increase the parking provision on site and therefore it is not considered that there would be any significant change in the car parking/manoeuvring related to the increase in floor area, and accordingly there will not be no significant change in on site noise related to vehicle manoeuvring.

It is concluded that the proposal is in compliance with Local Plan Policy D1 and accordingly that the limited harms caused to residential amenity should be given limited weight against the proposal.

### Highway Safety

Reflecting the advice of Highways DC, it is concluded that the increase in internal floor space is not likely to significantly increase the number of people who would visit the studio by car. As the extension has no impact on the existing access and parking arrangements it is concluded that the proposal is in compliance with the Local Plan Policies T3 and T4. Limited weight in favour of the proposal is attached to this material consideration.

### Economic benefits

Although the proposal will not result in any additional jobs, it will support an existing business and provide additional training space which it is understood will allow a boxing ring to be provided. A number of letters in support of the proposal have been received, including from users of the gym, setting out how much they value the gym and this support has already been accorded moderate weight. It is considered that in combination with the economic benefits of the proposal, significant weight in favour of the proposal should be given to this material consideration.

### Impact on Trees and biodiversity considerations.

Reflecting the advice of the Forestry Officer, it is concluded that any impact to trees on the site will have already occurred and cannot be undone. The works may have caused harm to bird or bat habitat and in accordance with national policy and the advice of the Council's Ecologist, it is considered reasonable to require a scheme of biodiversity enhancement. Subject to this condition, it is concluded that the proposal is in compliance with Local Plan Policy BIO1. Limited weight in favour of the proposal is attached to this material consideration.

### Stability

The extension has been built in a location where records indicate a limited part of the northern part of the extension is in an area defined as being at high risk of containing coal mining features. However, reflecting the assessment of the Mining Remediation Authority, it is concluded that the harm to stability is not significant, and subject to the imposition of an informative that alerts the developer what to do if any coal mining feature is unexpectedly encountered on site, it is concluded that the proposal is in compliance with Local Plan policy CL1 and no weight is attached to this material consideration.

### Any Other Material Planning Considerations

The proposed extension is in a backland location where there will be either no or only very briefly glimpsed views available to members of the public and accordingly it is considered that the proposal will have no material impact on the character or visual amenity of the area.

## **PLANNING BALANCE & CONCLUSION**

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 of the NPPF (2024) confirms that the presumption does not change the statutory status of the development plan as the starting point for decision making

Although the proposal results in some limited harm to residential amenity, this harm is outweighed by the significant weight given to the economic and other benefits arising from



the proposal and also the limited weight in favour of the scheme arising from biodiversity and highways material considerations. It is concluded that the proposal complies with the development plan as a whole and the proposal is therefore recommended for approval.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO CONDITIONS**

**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.