

2021/1445

Mr Kevin Stables

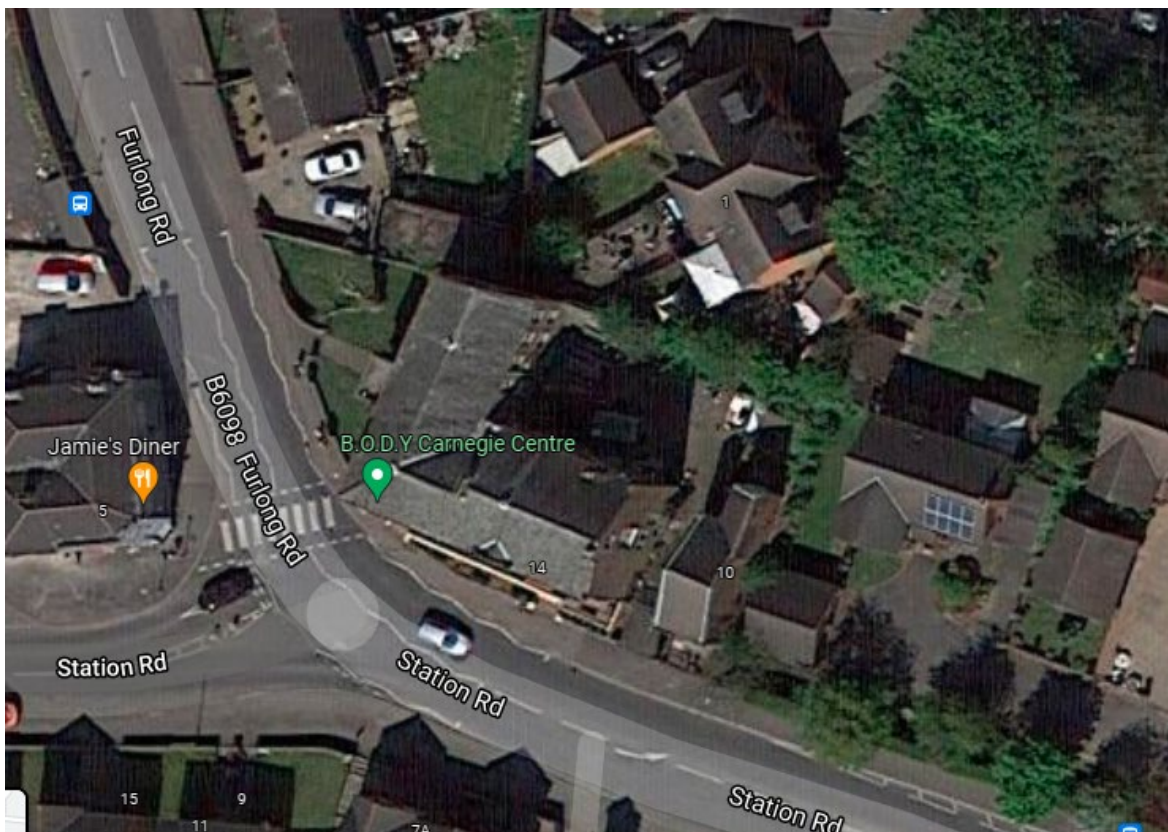
Change of use of part of former public library and Boxing/Fitness Centre (Class E) to public house (Sui Generis)

Carnegie House, Station Road, Bolton Upon Dearne, Rotherham, S63 8JB

Description

Carnegie House was previously used as a public library, however its current main function is a boxing and fitness centre, under the name of 'Body Carnegie.' Body Carnegie is a not for profit registered charity organisation.

The building is set at the Junction of Furlong and Station Road and is within a mainly residential area. There are a number of dwellings set to the rear and side of the building. Parking and turning facilities exist to the rear of the building. Adjacent to the site is the former Collingwood Public house which is now used as a restaurant/café.



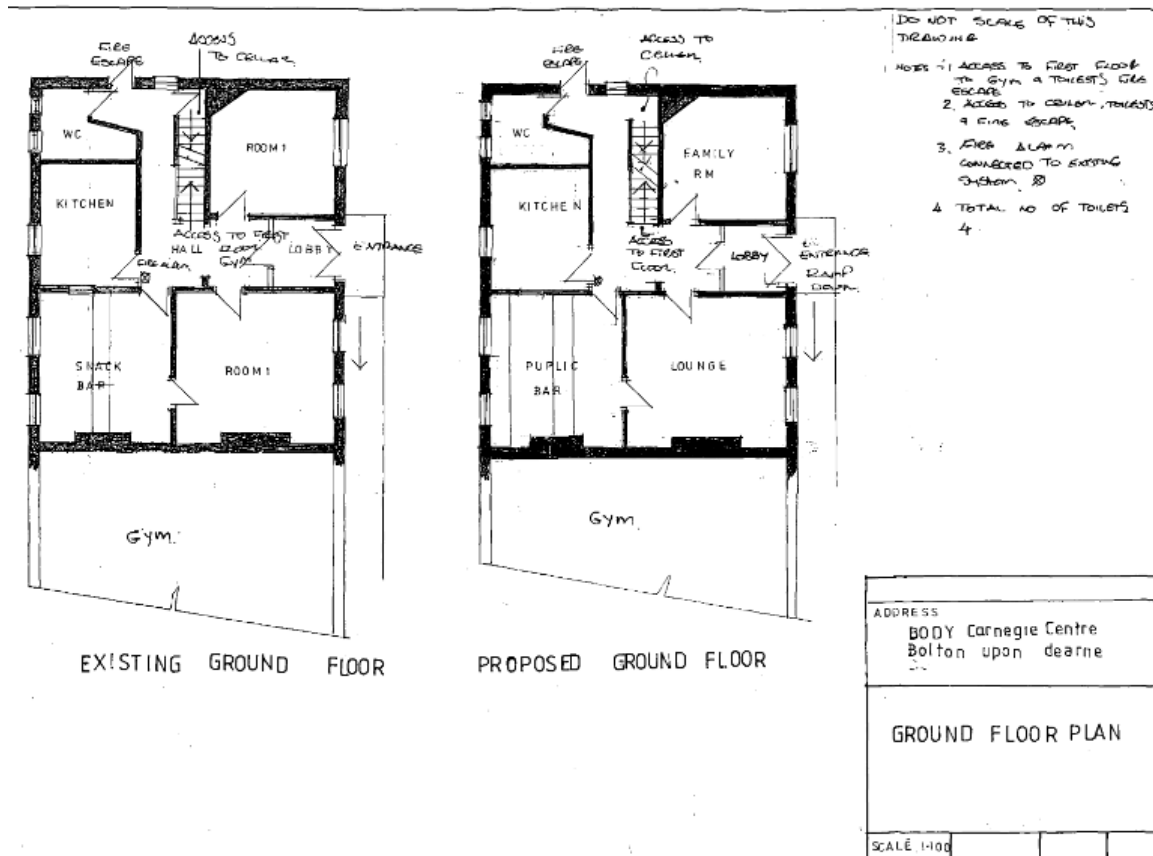


Proposed Development

Change of use of part of former public library and Boxing/Fitness Centre (Class E) to public house (Sui Generis). The floor plans below show a small area to be used as the public bar with a connecting lounge area. The use will be used in connection with the existing fitness centre but will also be open to the wider public.

The opening hours proposed are:- 12-10.30pm Fridays, 11-11pm Saturdays and 12-10.30 Sundays. The existing parking and delivery areas to the rear of the building are to be utilised with this proposal. No amplified music will be played. Deliveries would only occur within the hours of 8.30am to 11am.

The applicant has provided the following information in support of the application:- 'Our aim is for the building to become a valued and enhanced community asset providing a facility for a wide and diverse clientele, not to mention the many visitors and member of Body Carnegie itself. By providing a well-run and friendly establishment, on a relative small-scale basis to the wider gymnasium operations, we have the knowledge and experience to create a sanctuary for many who would perhaps not use a regular pub. The intention would be to sell alcohol and soft drinks during licensed hours, not only to visitors to the gymnasium but also to serve as a public house to the local community on three days of the week. The proposed venture will, by virtue of its scale and nature be a low-key community facility offering an alternative leisure venue for the wider community. Social isolation is a common occurrence in modern society and can in part be attributed to the decline in traditional meeting places such as the village pub. It can be said that a weekly or even daily visit to the pub was more common.'



Policy Context

Planning decision 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 new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough.

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 TC1 Town Centres

Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Town: Barnsley Town Centre

District: Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local: Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

Bolton on Dearne (St Andrews Square is a Local Centre) The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of NPPF.

Impact assessments will also be required as laid out in policy TC3. These should comply with the requirements of the NPPF.

Policy TC3 Thresholds for Impact Assessments

Proposals for retail and leisure uses will be required to provide an impact assessment if they are of a scale, role or function where they could have a negative impact on the vitality and viability of the centre and are: Located outside the Primary Shopping Area of Barnsley Town Centre and are: Located outside a Local Centre and have a floorspace in excess of 500 square metres gross

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.

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Supplementary Planning Documents (SPD):

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

Consultations

Highways DC – No objections

Regulatory Services – No objections subject to conditions

Drainage – Details to be checked by Building Control

Ward Councillors – Cllr Danforth has made the following comments:-

'I fully support this change of use on a number of points. It will enable Body Carnegie to offer something that has been missing there, it will be a place to relax and unwind. People who use the gym will be able to relax after training, and people who are picking up or dropping off their children can also use it. It is only the start of family orientated developments at the gym which are planned for the future. Since the 3 nearby pubs closed a social bar has been sorely missed, and it will be only open at specified times. Body Carnegie is an all volunteer venture with all the monies generated ploughed back into the club, and indirectly back into the local community.'

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 comment which raises concerns regarding type of pub and noise impact
2 comments of support/no objection

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 site is also outside the Local Centre of Bolton on Dearne. Where development is proposed for a town centre use (as defined by the NPPF) and located outside of the town centre, a sequential approach is required to ensure the maintenance and enhancement of the vitality and viability of the town centre. The applicant has provided the following justification for the proposal:-

'Whilst the Council may normally expect public houses to be situated in the main town, district, and local centres, it is of paramount importance to note that the local centre for Bolton upon Dearne (St Andrew's Square) is a small area and no opportunities exist to find a unit available in this area. Under Policy TC1 Town Centres', it confirms Bolton upon Dearne as a local centre, wherein It acknowledges that these 'Local Centres' serve smaller-catchments and that development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres turning to Policy TC1 Thresholds for Impact Assessments', and whilst not wholly a leisure use, the proposed public house is below the floorspace threshold of 500 square metres gross. '

A public house in this part of the village is something which is greatly lacking since the regrettable demise of three village public houses within a few hundred yards of each other in recent years, the Collingwood, The Angel and the Cross Daggers respectively. Having regard to this significant loss of three key public houses in the village, it is presented that there is a significant community benefit to the opening of the proposed bar to compensate for these identified losses. Furthermore, and bearing in mind the close proximity of the lost public houses to the application site, it is argued that introducing one public house with restricted opening hours wouldn't impact on the viability and vitality of the existing centre of Bolton on Dearne or for that of nearby centres.'

Based on the above the proposal is small in scale and would complement the existing community use. The proposal would not harm the vitality or viability of the Local Centre and is considered acceptable and justified when measured against policies TC1 and TC3.

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 subject to the restriction of opening hours from 11am to 11pm, no outdoor seating areas, deliveries to be between the hours of 8am and 6pm only and for no amplified music to be played.

The area to be used for the proposed public house is limited in size and given the above opening hours and deliveries restrictions, it is felt that there should not be any significant impact upon neighbouring residents by way or noise or disturbance. The applicant has also

confirmed that no cooking will take place for the public house use, therefore there should be no smells/odours created.

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. The proposal is considered to be acceptable when measured against policy GD1 of the Local Plan.

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 proposed main public bar area is currently utilised as a snack bar. In terms of vehicular activity, the proposals are unlikely to result in a significant change when compared to the current use of the site.

The most likely changes are that existing users of the gym/fitness centre element of the site may stay a little longer than at present. New users of the site, attracted by the new public bar, would be likely to use public transport/taxis or travel on foot.

The proposals do not affect the current access, parking and turning arrangements of the site or adversely impact upon the highway and are therefore considered acceptable from a highways point of view.'

Given the small scale use of the building and the limited deliveries which will take place, there should not be any significant impact upon highway safety in accordance with policy T4 of the local Plan.

Conclusion

In conclusion, the public house use is considered to be acceptable when measured against policies GD1 and TC1 of the Local Plan and would not have a significant detrimental impact on the existing Local Centre, wider street scene, highway safety or residential amenity and as such is acceptable.

Recommendation

Approve subject to conditions