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**2019/0037**

**Applicant:** Mr Monfredi

**Description:** Erection of 1 no. two bedroom bungalow, 1 no. three bedroomed dormer bungalow, 4 no. two-storey, three bed dwellings with associated detached garages and parking facilities. In addition change of use of the angel pub (hotel) from a drinking house to 2no. three bed dwellings.

**Site Address:** Angel Hotel, High Street, Bolton Upon Dearne Rotherham, S63 8JJ

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### **Site Description**

The site is a former public house located in Bolton Upon Dearne, at the junction of Angel Street and High Street. The public house is not listed but a building is shown on the historic maps in this location as far back as 1895. The Grade I Listed St Andrews Church is located opposite on High Street.

The Public House (PH) is an attractive stone building with the main frontage onto High Street and a secondary elevation facing Angel Street. The main building is two storeys with storage in the roof; the roof being low pitched with intersecting gables. There are two single storey extensions, to the rear (stone) and side (brick).

There is a parking area and beer garden to the rear and side.

An outbuilding is located to the side of the site, adjacent no.2 High Street. This appears to be a storage building with limited fenestration and a catslide roof.

### **Proposed Development**

The application has been amended following submission to reduce the overall number of units proposed in order to get a better layout with sufficient circulation and amenity space.

It is proposed to retain and convert the original public house building into two, 3 bedroomed houses. The single storey extensions and outbuilding will be demolished and the remaining site will be developed for housing with 2 bungalows and 4 houses proposed.

Gardens are located to the side or rear of the proposed properties which all (barring one) front onto the two streets. Access is off Angel Street, close to the existing car park access, with driveways off an internal courtyard. The dormer bungalow to the rear of the site is accessed from this courtyard.

The proposed elevations are relatively simply designed with the windows proposed to be leaded with cills and curved heads differentiated from the main walls. The doors all have small pitched canopies over. Material details are not confirmed at this stage.

### **History**

2017/1541 – Demolition of public house and erection of 10 dwellings with associated drainage, highway works and parking – Refused for the following reasons:

- In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the occupiers of the adjacent property to the north, by reason of overlooking and loss of privacy. The proposal would be contrary

to Core Strategy Policy CSP29 Design and the SPD Designing New Housing Development.

- The proposed development, by reason of the demolition of the Angel Hotel and replacement with an unsympathetic development would negatively impact on the setting of the Grade 1 listed St Andrews Church immediately to the south and would be detrimental to the special architectural and/or historic character of the Listed Building, contrary to Core Strategy policy CSP30 The Historic Environment and the paragraph 129 of the National Planning Policy Framework (NPPF)

There have also been various planning applications related to the previous use of the site as a public house which are not considered relevant to the current application.

### **Policy Context**

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, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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.

Site Allocation: Urban Fabric

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 14% of new homes to be built in Dearne

H4 'Residential development on small non-allocated sites'

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure.

HE1 'The Historic Environment'

HE2 'Heritage Statements and general application procedures'

HE3 'Developments affecting Historic Buildings'

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

#### SPD's

- Design of Housing Development
- Parking

#### Other

South Yorkshire Residential Design Guide

#### 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. 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.

Sections of relevance are as follows:

Section 5 – Delivering a sufficient supply of homes

Section 16 – Conserving and enhancing the historic environment

#### **Consultations**

Conservation Officer – Welcomes the retention of the PH, no objections.

Contaminated Land – No comments

CAMRA – No comments received

Drainage – No objections subject to conditions

Pollution Control – No objection subject to conditions

Forestry Officer – No objection subject to conditions, no change following amended layout.

Historic England – No objection

South Yorkshire Police – Various detailed design comments, and welcomes the fact that most of the parking is overlooked.

SYPTTE – No comments received

Waste – No objection and happy to see the bin store included in the amended layout.

Ward Councillors – Councillor Johnson has raised concerns that the site is too small for the amount of development proposed and the impact on highway safety.

## **Representations**

Consultation on the application was via adverts in the press, by neighbour notification letters and site notices. 10 comments were received from residents raising the following concerns:-

- The accesses off High Street, along with parking associated with the church will cause congestion and be unsafe for residents (particularly older ones).
- The three storey houses will overlook properties and lead to a loss of privacy.
- The buildings will be visually overbearing.
- Overbearing impact and loss of privacy from plot 3.
- There are too many houses on the site, overdevelopment.
- The site does not comply with the spacing standards in the designing new housing SPD and the rear gardens are not large enough.
- The garages are too small and do not comply with the SYRDG.
- There is a need for bungalows and the site should be used for them.
- The access onto Angel Street is not suitable.
- The drive for plot 1 is too close to the bus stop.
- When there are buses at the bus stop it won't be possible to see when exiting the site.
- The drains and sewers are already overloaded.
- The loss of the extension to the PH is unacceptable.
- There is already too much housing in Bolton Upon Dearne.

## **Assessment**

### Principle of Development

The proposed site is designated Urban Fabric where development is appropriate in accordance with Local Plan Policies.

However, the site is (or was last used as) a public house and the proposal would therefore result in the loss of a community facility. Policy I2 indicates that *“we will support the provision of schools, educational facilities and other community facilities. Such uses will be protected from development unless it can be demonstrated that the*

*sites and premises are no longer required by the existing or an alternative community facility.”* The applicants have stated that the PH closed in 2015, due to financial difficulties. It was then marketed as a PH but there was a lack of interest so alternative uses were considered. The applicant has also highlighted that former patrons have two drinking establishments within walking distance.

1. The Collingwood Public House (Walking distance - 152m from the former Angel PH)

2. Bolton upon Dearne Ex-servicemen's Social Club (Walking distance - 268m from the former Angel PH)

Finally, CAMRA have been consulted but raised no objections.

It should also be noted that churches can be classed as community facilities and St Andrew's church is directly opposite the site.

Therefore on balance it is not considered that a refusal on the grounds of I2 could be substantiated.

On this basis, the proposed is acceptable in principle and should be determined in accordance with the Local Plan. An assessment of how the site accords with other policies in the Local Plan is given below:

#### Visual Amenity

The Angel PH is located opposite the Grade I Listed St Andrews Church and the impact on the setting of this building is a key consideration. A previous application proposing the demolition of the PH was refused because it forms part of a small cluster of buildings including the church, the Angel, the former COOP and Stoneleigh; the last remaining fragments of the historic village of Bolton Upon Dearne. This application retains the original PH building and, with the exception of new build plots 4 and 5, the other new properties will be screened from the Church. Plots 4 and 5 will be in a similar position to the outbuilding and only slightly higher than it. The Church itself is also on a higher level to the application site so the new builds would not dominate the setting of the church. The applicant's Design and Access Statement makes the following assessment in relation to the impact on the setting of the church:

*The proposed scheme and in particular the retention of the public house building will maintain the overall character of the setting of the church and cause no harm to the setting or significance of the heritage asset. Even if the Local Authority take the view that there would be some harm, this harm would be less than substantial and would need to be weighed against the benefits of retaining the public house building, preventing the dereliction of the site and providing new housing in an area that is in need of regeneration. This would be in accordance with paragraph 196 of the NPPF.'*

The Council's Conservation Officer supports this assessment and welcomes the fact that the value of the PH building (a non-designated heritage asset) has now been recognised and will be retained and converted to a new use. It is agreed that the redevelopment of the site constitutes minor harm to the setting, but that harm is more than offset by other public benefits including the retention of the Angel. As such the proposal is considered to comply with Local Plan Policies HE1 and HE4.

Over and above the retention of the public house, as converted, the scheme was originally for 10 dwellings but has been reduced to 8 for residential amenity reasons. The elevation treatment is relatively simple with cills and heads over the windows to reflect the adjacent Angel PH. The two semidetached houses facing onto High Street are of a similar scale to the adjacent public house. Similarly the two detached houses fronting Angel Street are two storeys, whilst the bungalow to the rear is very similar in scale to the demolished extension. Front gardens are small with a low wall proposed to demark private space from the highway. In this respect the design of the development will not be overbearing or out of keeping with the Public House. Nor will it be out of keeping with the character of the wider area which is predominately residential with mostly two storey dwellings.

A full tree survey and impact assessment has been provided with the application. The trees located on the site are generally of poor quality, the most prominent tree is T3, however despite being of reasonable size it is a poor specimen and as such none of the onsite trees can be considered a constraint to development. There are three trees located just off site and the plans show that these have clearly been considered as they are not directly impacted by the proposal.

The rooting areas of the offsite trees does encroach into the site and as such protective barriers will be required to ensure they remain unaffected by development activity. Likewise as trees are being removed to facilitate the development some replacement planting will be required as part of a landscaping scheme which can be gained through an appropriate condition.

Providing adequate protective measures and replacement planting are provided there are no objections to the proposed scheme from an arboricultural perspective in accordance with Local Plan Policy BIO1.

The scheme provides a mix of housing types being built at a density of 40 dwellings per hectare in line with policies aimed at the efficient use of land.

Based therefore on this assessment and taking account of the benefits associated with redeveloping a disused site and retaining the historic public house, the visual impact is acceptable in this case and the application complies with Local Plan Policy D1 in this regard.

### Residential Amenity

The scheme as originally submitted was for 10 dwellings, of which only one was a bungalow. The layout was very tight with gardens well below the standards as set out in the Designing New Residential Development SPD and the distances between dwellings also likely to lead to issues of overlooking and an overbearing impact on existing and new residents.

The applicant has amended the layout in discussion with the Council with the resultant scheme reduced to 8 units. This allows for increased circulation space within the site and increased garden sizes to comply with the standards as set out in the SPD.

In terms of the internal layout the scheme meets all distance requirements apart from between the rear of the converted PH and the garden area to Plot 6. There are some windows in the rear of the Public House which are proposed to be re-used. Given the angle of the proposed bungalow adjacent there would be no direct overlooking into this dwelling but there remains some overlooking of the rear garden of plot 7.

However, a number of these windows are to non-habitable rooms and so can be conditioned to be obscure glazed whilst suitable boundary treatment would screen the ground floor windows from overlooking. This would leave only one small second bedroom window which, in this case, is not deemed to be of significant detriment, taking account of the benefits of retaining the PH, the slightly offset angle and the fact that residents purchasing both properties will be aware of the issue.

The most significant impact of the previous layout was on the residential amenity of existing neighbouring residents, in particular those at 2 Angel Street and 18/20 Annie Senior Gardens. Following the replacement of two houses with a dormer bungalow, which is set at an angle, this impact has been mitigated to an acceptable level. The bungalow remains close to the boundary with No.2 but is set side on with no windows in this elevation. No.2 is similarly set at an oblique angle and therefore does not back directly onto the proposed; it also has an attached double garage to the nearest side and an out building all of which provide additional separation. There will be some shading of the rear garden but this is reduced by the scale of the proposed bungalow, its orientation and roof design.

In all other respects the layout is acceptable in terms of residential amenity and complies with Local Plan Policy D1 and the accompanying Designing New Residential Development SPD.

#### Highway Safety

A number of amendments have been made to the layout to address highway safety concerns. The existing PH access off Angel Street is retained with no other external driveway access now proposed and the bus stop on Angel Street is to be relocated to the north, away from the access. SYPTE have been consulted and raised no objections.

In addition, the internal site layout is now improved allowing more circulation space and parking. The garages previously proposed were under the recommended sizes in the SYRDG and have mostly been removed. Garages are retained for the two bungalows but can be used as storage with additional parking provided on the drives. The parking requirements for the development are therefore mostly met in accordance with the Parking SPD.

The applicant has provided bin storage adjacent the highway and there is space within the gardens for the residents to erect cycle storage. In addition the site is accessible by public transport and Bolton Upon Dearne local centre is 660m away. Therefore the proposed development is considered to be in a sustainable location.

Highways have no objections in highway safety terms, subject to appropriate conditions being applied.

#### **Recommendation**

Grant subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance

with the plans (Nos: PL02D, PL03, PL04, PL05A, PL06, PL08, PL07 and PL09A) and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.**
- 4 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 5 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before any dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making**
- 6 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In order to ensure compliance with Local Plan Policy I1.**
- 7 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the parking/garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage.



**Reason: To retain garage space for parking purposes to minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users in accordance with Policy T4.**

- 9 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. If discharge to public sewer is proposed the information shall include, but not be limited to:
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - b) evidence of existing positive drainage to public sewer and the current points of connection; and
  - c) the means of restricting the discharge to public sewer to the existing less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

**To ensure the proper drainage of the area in accordance with Policy CC3.**

- 10 Prior to the first occupation of the development hereby permitted, the proposed access way, entrances, on-site car parking and turning shall be laid out in accordance with the approved plan, surfaced and drained into the site and retained thereafter available for that specific use.

**Reason: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policy T4.**

- 11 Prior to the commencement of construction works, details of Bicycle storage and EVCP's shall be submitted to and approved in writing by the LPA. The storage and works shall be installed in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details.

**Reason: In interests of promoting sustainable travel opportunities in accordance with Policy T3.**

- 12 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a noise management plan which details how noise will be controlled during the construction stage of the site. Once approved the applicant shall strictly adhere to the plan.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

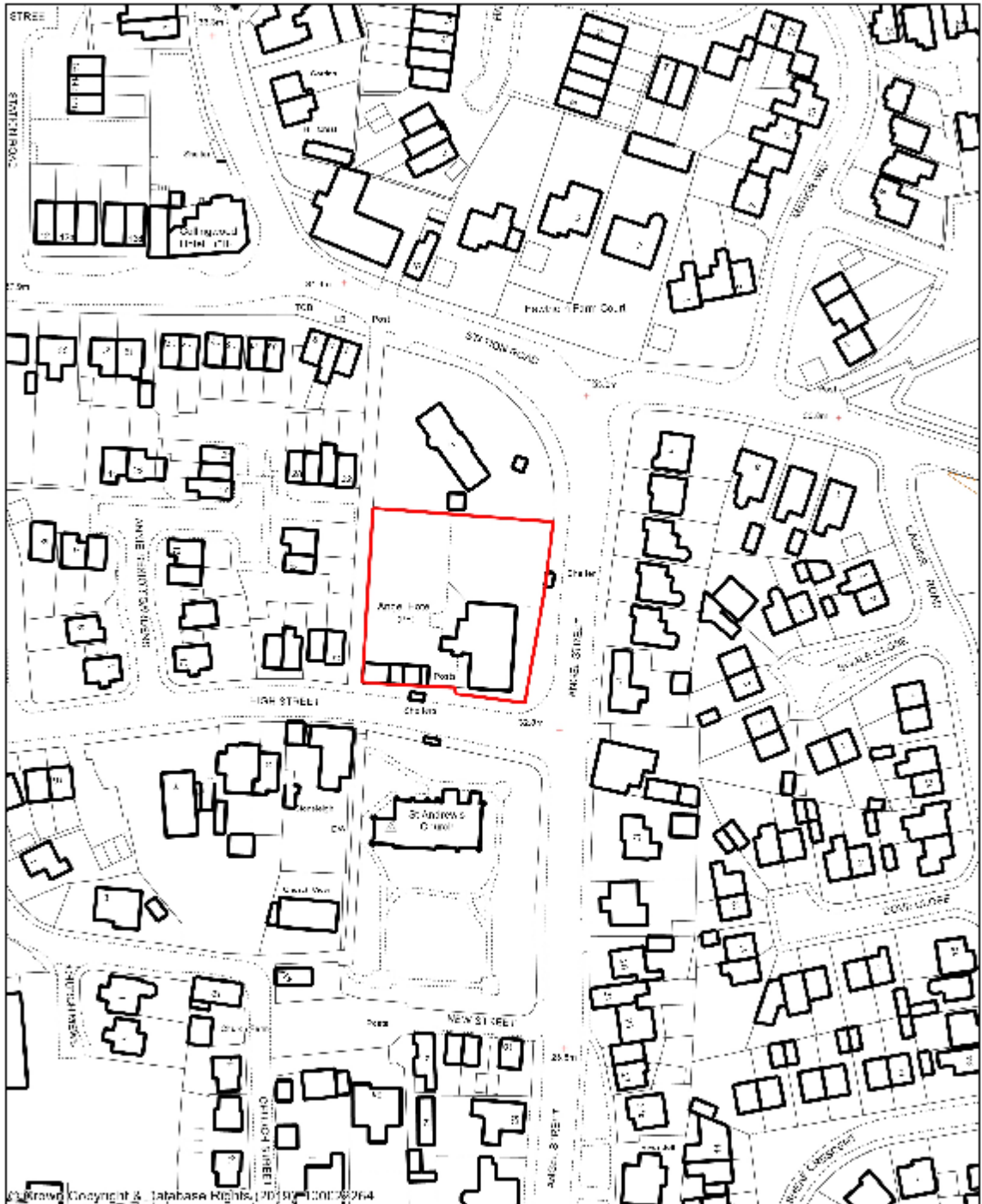
- 13 Prior to the commencement of the development details of the provision of an onsite water supply or water storage facility along with other dust suppression measures as required shall be submitted to and approved in writing by the LPA. The approved details shall be put in place from the start of the construction period and shall be adhered to for the duration of the construction period.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

- 14 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
  - Tree protection plan
- The scheme shall then proceed in accordance with the approved details  
**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality in accordance with Policy GD1.**
- 16 The windows at first and second floor on the northern elevation of Plot 7, apart from the second bedroom window, shall be obscure glazed prior to the occupation of the dwelling and shall be retained as such thereafter.  
**Reason: In the interests of neighbouring amenities in accordance with Policy GD1.**
- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**

PA Reference:-

2019/0037



**BARNSELY MBC - Regeneration & Property**

Scale: 1:1250

