
2021/1656

Mr Jeremy Levine

Conversion of former public house into 10 no. flats

The Goldthorpe Hotel, Doncaster Road, Goldthorpe, Rotherham, S63 9JA

Description

The former Goldthorpe Hotel public house is located on Doncaster Road, which is a main road running through to the centre of Goldthorpe. The building has not been in use for at least 10 years and is in a poor state of repair. The building is a large, detached building and is constructed from red brick, featuring a large amount of openings on the front, rear and western side elevation. There is an existing flat in the roof space with a rear facing window in the rear elevation.

The site includes an area to the front which has been used as unauthorised parking by neighbouring residents. The site also includes the former beer garden to the rear which is bounded by brick walls. The rear boundary is bounded by the blank side elevation of the nearby working men's club.

Planning History

2011/1252 - Conversion of former public house into 10 no. flats – Approved with conditions. This permission has not been implemented and has expired.

2019/1572 - Conversion of former public house into 10 no. flats – Refused for the following reasons:-

- 1. In the opinion of the Local Planning Authority, the proposed development does not provide a broad mix of residential types or tenures neither does it adequately reflect the market/community need in this area which would help create mixed and balanced communities contrary to Local Plan Policy H6: Housing Mix and Efficient use of land and paragraph 61 of the NPPF. Furthermore the proposal would result in an increase in smaller homes contributing to the imbalance in housing stock in this area and thereby failing to contribute to the sufficient range of homes required to meet the needs of present and future generations contrary to Paragraph 8b of the NPPF.*
- 2. In the opinion of the Local Planning Authority, the proposed development will detrimentally impact the privacy of a neighbouring property (no. 135 Barnsley road) by virtue of the side elevation windows serving the habitable rooms of flats 1 and 9, respectively, being situated at a very close proximity (14 metres) to the existing habitable room windows located on the side elevation of no. 135. This in turn will have adversely affect the residential amenity enjoyed by this neighbouring residential property, contrary to SPD: Design of Housing Development and Local Plan Policy GD1: General Development.*

The applicant appealed the decision under appeal ref APP/R4408/W/20/3254532. The appeal was dismissed due to the proposal being potentially harmful to bats, a protected species. The Inspector did not raise concerns with regard to the above housing mix and residential amenity reasons for refusal. The Inspector concluded within the appeal decision:-

'I find that the development would provide an acceptable housing mix and would not cause harm to the living conditions of neighbouring occupants. However, in the absence of comprehensive surveys and an agreed mitigation strategy, the scheme would be harmful to bats, a protected species, and would conflict with the development plan and the guidance of the Framework.'

Proposed Development

The applicant is seeking approval for the conversion of the former public house into 10 no. flats. The application proposes 7 x 1-bedroomed flats and 3 x 2-bedroomed flats. The scheme is identical to the previously refused application 2019/1572.

The alterations to the building include the following:-

- Existing window on the front elevation altered to form new entrance to flat 2.
- Existing doorway on the side (eastern-facing) elevation altered to form a window.
- 3 x openings on rear elevation to form entrances to flats 5, 6-10 and 4, respectively.
- Window formed on rear elevation.
- The existing chimney breasts removed.

The proposal includes private and shared amenity spaces with cycle parking and car parking to the rear of the building with 1 space per unit, 1 of which will have an electric vehicle charging point.

The parking area to the front of the building will also be changed to amenity areas with the addition of a dwarf wall and soft landscaping. A dwarf wall will also be added to the rear of the building bordering the proposed parking area.

The following documents have been submitted in support of the proposal:-

Design and Access Statement by Jump Architects, a Preliminary Roost Assessment by Brindle and Green dated March 2021 and a Protected Species Report by Brindle and Green dated November 2021.

Policy Context

The Local Plan was adopted at the full Council meeting held on the 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). In reference to this application, the following policies are relevant:

GD1: General development – Proposals for general development will be approved providing there is no significant adverse effect on residential amenity, highway safety, the current or future use of nearby land and it upholds good quality design in accordance with local plan policy D1.

SD1: Presumption in favour of sustainable development – The Council will take a positive approach to proposals that reflect the presumption in favour of sustainable development contained in the NPPF.

H4: Residential development on small non-allocated sites – proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

H6: Housing Mix and Efficient use of land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Proposals for new housing will be expected to deliver a mix of house dwelling sizes, type and tenure informed by the most relevant evidence taking into account an up-to-date Strategic Housing Market Assessment (SHMA) for the entire housing market area and needs of the market, in order to meet the present and future needs of all members of the community.

D1: High quality design and place making – This policy sets the overarching design principles for the borough. 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 the local area.

T3: New development and sustainable travel – New development is expected to be located and designed to reduce the need for travel, be accessible to public transport and encourage smarter ways to travel rather than unsustainable use of the private car.

T4: New development and highway improvement - 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.

LG2: The Location of Growth – Priority will be given to development in the following locations:

- Urban Barnsley
- Principle Towns of Cudworth, Wombwell, Hoyland, Goldthorpe, Penistone and Royston; and
- Villages

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principle Town, and the Principle Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.

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.

I2: Educational and Community Facilities – The Council will support the provision of schools, educational facilities and other community facilities. New schools, educational and community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship, should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport.

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.

BIO1: Biodiversity and Geodiversity - Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

SPDs:

- Design of new housing development
- Parking
- Sustainable Travel
- SPDs Biodiversity and Geodiversity
- Trees and Hedgerows

Other:

South Yorkshire Residential Design Guide

NPPF:

The 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.

Consultations

Biodiversity Officer – No objections subject to conditions

Pollution Control – No comments received

South Yorkshire Policy Architectural Liaison Officer – Advice given with regard to Secured by Design.

Drainage – No objections, details to be checked by Building Control

SYMAS – The site is not in a coal mining risk area, no objections subject to informative

Air Quality – An electric vehicle charging point should be considered for the proposed development in line with BMBC's guidance. The guidance suggests for residential development one charging point per 10 car parking spaces (unallocated parking).

Highways– No objection subject to condition

Ward Councillors – 2 comments received:-

- 1 comment of no objection.
- The development will transform this derelict and run-down site which is one of the first buildings that people see when entering Goldthorpe from the east.
- The developer must obtain the relevant bat licence which is required.
- Concerns with regard to the potential future occupiers of the building.

Representations

Neighbour notification letters were sent to surrounding residents and a site notice placed nearby the following comments have been received:-

3 comments of support:-

- This will be a welcome change to view/use in Goldthorpe.
- We definitely need affordable 1 bedroom properties in The Dearne Area.
- This derelict pub is not in keeping with Barnsley Council's plan to upgrade Goldthorpe in the future. Let the developer make something useful of it instead.

2 comments of concern/objection:-

- Concerns raised regarding noise/mess/parking/traffic issues during construction
- Concerns regarding layout, separation distances to habitable room windows and overlooking to number 153 Doncaster Road and the impact of the potential to redevelop this plot

Assessment

Principle of development

The site is located within an area of Urban Fabric and also located within a residential area, therefore the principle of a residential development of the site is considered acceptable in accordance with Policy GD1 of the Local Plan.

Loss of Community Facility

The building was previously used as a public house. Policy I2 in the Local Plan states that 'public houses should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport. 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.'

In this case, planning permission has already been granted to convert the pub in 2011 and the justification for its loss has been provided. It is clear that little has been done to the building since this time and therefore further justification is not required in this case. Additionally, despite being situated in an area of Urban Fabric, it is close to the town centre of Goldthorpe (approximately 150m away) which has several pubs and drinking establishments. Therefore, its loss is not considered to be harmful to the local community and the building has not provided this service/use for some period of time in accordance with Local Plan Policy I2.

Housing Mix

Local Plan Policy H6 Housing Mix and Efficient use of land, states that 'housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities.' Concerns were raised with the previous application 2019/1572 in terms of the mix of accommodation and that the proposed development did not provide a broad mix of residential types or tenures due to the proposal providing only flatted accommodation and in particular 1 bed units. The type and number of units proposed within this application are identical to the previously refused application and appeal, however the

Inspector for the appeal considered that the proposal would provide a 'suitable mix of housing, having regard to the housing need and supply in the area.' Taking into account the Inspector's comments within the appeal decision and that no objections were raised with regard to the type and mix of accommodation proposed, the proposal is considered acceptable in terms of housing mix in accordance with Policy H6.

Residential Amenity

The applicant is seeking approval for the conversion of the former public house into 10 no. flats. The application proposes 7 x 1-bedroomed flats and 3 x 2-bedroomed flats. The room sizes have been measured against the internal spacing standards set within the South Yorkshire Residential Design Guide (SYRDG) and the submitted plans show that the proposed flats have sufficient room sizes in accordance with the SYRDG. In terms of external space, the SYRDG requires a minimum of 50sqm of external amenity space for one flat/apartment and then 10sqm for each additional flat proposed. The site plan shows approx. 407sqm of combined external amenity space, which includes 176sqm of shared space set to the rear of the car parking, with flats 1, 2, 3 and 5 having their own garden areas which is acceptable.

The proposed development reuses the existing windows located on both the ground and first floor of the side elevation of the existing building for the proposed flats. The habitable room windows for the proposed flats would face directly onto the side elevation of the closest neighbouring dwelling at 135 Barnsley Road, set to the east. The proposed internal and external layout is identical to the previous planning application and appeal 2019/1572. In terms of the impact upon number 135 Barnsley Road, the Inspector did not raise any concerns. The appeal decision states:-

'No 135 has two windows to the side elevation, one at ground floor and one at first floor, whilst the appeal building has six windows at ground floor and three at first floor. The shortest distance between them is some 14.63m, based on the appellant's plan, which the Council indicates is less than the 21m separation distance of its Supplementary Planning Document: Design of Housing Development (May 2019) (the SPD). However, the SPD distance specifically relates to back-to-back distances which typically involves private gardens separating the buildings. The SPD does not specify any distance for side-to-side relationships, but it does indicate that front elevations of similarly scaled dwellings facing a road can be a minimum of 12m apart. It also adds that the standards may be slightly relaxed in town centre situations or higher density areas. To my mind, the 12m measurement is the more pertinent of the two measurements in the SPD as the windows in question are separated by the public realm in much the same way at the front elevation example. Taking this measurement, the windows would be a sufficient distance apart.'

The internal and external layout is identical to the scheme assessed by the Inspector and was considered to be acceptable, therefore there are no objections in terms of the impact of the proposal upon residential amenity.

Concerns have been raised with regard to the impact of construction works and parking of vehicles. There is sufficient space within the site to park contractor's vehicles and a standard condition should be included which limits the hours of construction, in order to protect the amenity of adjacent residents.

Highway Safety

The Highways Officer has been consulted and has no objection to the proposal subject to conditions. The proposal includes adequate off-street parking provision for 10 vehicles in line with the SPD Parking. It is proposed to use the existing parking area to the rear of the property accessed off Hamilton Road but with an improved access in a slightly different position. The

access has adequate visibility and the layout of the proposed parking area has sufficient space to allow vehicles to manoeuvre into and out of each space. A refuse bin storage/collection point has been provided just inside the site, adjacent to the access which is acceptable.

The proposals are considered to be acceptable in terms of highway safety and parking provision in accordance with Policy T4 of the Local Plan and the SPD Parking.

Sustainable Travel

An Electric Vehicle Charging Point is to be provided to one of the parking spaces and an area for cycle parking has been shown on the site plan; however further details will be required by way of a condition to ensure that this will be secured.

As the proposal provides 10 units, a financial contribution should be provided towards Sustainable Travel as required by Policy T3 of the Local Plan and the Sustainable Travel SPD. The contribution is calculated at £4,500 using the methodology within the SPD. This will need to be secured via a Section 106 Agreement, should permission be granted.

Visual Amenity

The alterations to the building itself are fairly minimal and are mainly in relation to openings being formed, blocked up or replaced. The alterations are subtle and aim to ensure that the new use will be adequate for the future occupiers, allowing ease of access into each of the flats. The elevation drawings show that the blocked-up openings will be made good using external materials to match which is acceptable.

There are other supplementary external changes associated with the proposed development including adding dwarf wall and soft landscaping to the front of the building which is similar in appearance to the terraced properties further along Doncaster Road to the West. Landscaping is to be provided on site and full details of the landscaping should be secured by condition.

The proposed re-use and renovation of this vacant building would improve the visual amenity of the area and would secure the future of the building. The proposed changes to the building are not considered out of character with the existing building or the surrounding area and subject to the use of high quality, matching materials, is acceptable in terms of design and visual amenity in accordance with policy D1 of Local Plan.

Ecology/Biodiversity

The previous application 2019/1572 was dismissed at appeal due to the absence of a comprehensive ecology/bat survey and an agreed mitigation strategy. The Inspector concluded that in the absence of these documents, that the scheme would be harmful to bats. The applicant has now submitted a Preliminary Roost Assessment by Brindle and Green dated March 2021 and a Protected Species Report by Brindle and Green dated November 2021 which includes a mitigation strategy.

The Preliminary Roost Assessment states that was no evidence to suggest that breeding birds have previously occupied the building during the external and internal inspection of the building, however the assessment was undertaken outside of the breeding bird season. In terms of bats, the building was assessed to have low suitability to support roosting bats and no evidence of previous bat activity was recorded during the assessment

The Council's Ecology Officer has been consulted and states that:- 'The Ecology Reports submitted details surveys carried out in the interest of protected species within the application site. These include a detailed building inspection and emergence/re-entry surveys undertaken

to consider roosting bats and an assessment of the building and habitats on site in regard to breeding birds. I am satisfied those surveys have been undertaken to the recommended guidance and by appropriately qualified ecologists.'

The Ecology Officer has stated that a protected species licence, obtained from the relevant statutory body, will be required to allow proposed works to commence. Vegetation clearance should take place outside of the breeding bird season (March – August inclusive) or following checks by an appropriately qualified ecologist, where active nests have been identified as absent. A Biodiversity Net Gain assessment will not be required to support the application; however, a Biodiversity Enhancement Management Plan (BEMP) should be conditioned as part of a planning permission and should detail measures with the aim of enhancing biodiversity on site, with amenity areas including native shrub planting and borders of wildflower seeding, where possible and the provision of bird nesting boxes onto structures within the site. The mitigation measures and a BEMP shall be conditioned as part of any approval. The proposal is therefore acceptable in terms of impact upon Biodiversity, subject to conditions in accordance with policy BIO1 of the Local Plan and the SPD.

Recommendation

Approve subject to conditions and a Section 106 Agreement which requires a contribution of £4,500 in accordance with the SPD Sustainable Travel and Local Plan Policy T3.

- 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 J19-021 A-101 Rev A, J19-021 A-102, J19-021 A-201 Rev A, Design and Access Statement by Jump Architects, J19-021, Preliminary Roost Assessment by Brindle and Green dated March 2021, Protected Species Report by Brindle and Green dated November 2021) 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 The alterations to the external appearance of the building shall be made good using materials matching those of the existing building.

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.
- 4 Upon commencement of development, 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

- 5 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the building and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.

- 6 The development shall be undertaken in accordance with the recommendations, construction timings and specifications within the Preliminary Roost Assessment by Brindle and Green dated March 2021 and the Protected Species Report by Brindle and Green dated November 2021.

Reason: To safeguard the potential bat roosting habitats and nesting birds, in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.

- 7 Upon commencement of the development, a Biodiversity Enhancement Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall details measures, including a timetable for implementation, with the aim of enhancing biodiversity on site, with amenity areas including native shrub planting and borders of wildflower seeding, where possible, and the provision of bird nesting boxes onto structures within the site. The details shall be implemented in accordance with the approved timetable.

Reason: In accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity

- 8 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.

Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 9 The parking/manoeuvring facilities indicated on the submitted plan shall be provided prior to the development being brought into use and shall be retained for that sole purpose at all times.

Reason: To ensure that adequate parking and manoeuvring facilities are provided for the development in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 10 Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 11 Upon commencement of the development, a scheme for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

- 12 Upon commencement of construction works, details of electric vehicle charge point(s) (EVCPs) shall be submitted and approved in writing by the LPA. The EVCP(s) will have a minimum "Mode 3" (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.

Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

- 13 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.

14. 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.

PA Reference:-

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