

Goldthorpe Hotel: Planning Note (December 2021)

This note has been prepared in support of an application at the Goldthorpe Hotel. This follows the refusal and dismissed appeal of the 2020 application (App Ref 2019/1572 and Appeal Ref APP/R4408/W/20/3254532).

The current application is identical to the 2020 application in terms of its design and layout, and seeks planning permission for the conversion of former public house into 10 no. flats.

The 2020 application was refused by Officers as a Delegated Decision on 03 April 2020 on the grounds that:

“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”.

With regards to the unit mix and housing types, the Inspector concluded that:

‘10. Taking these matters together, I find that the proposal would provide a suitable mix of housing, having regard to the housing need and supply in the area. I therefore conclude that the proposal would accord with the stated aims of Policy H6 of the BLP and the Framework.’

In respect of the potential privacy issues, the Inspector concluded that:

‘14. I therefore conclude that the proposal would not cause harm to neighbours’ living conditions, and no conflict would arise with Policy GD1 of the BLP, which supports proposals which have no significant adverse effect on the living conditions and residential amenity of existing and future residents.’

It is therefore clear that the two issues raised by the Council in their objection to the application were concluded to be acceptable by the Inspector.

The only outstanding issue with the appeal, which led to this being dismissed, related to a lack of information regarding the potential impact of the proposals on bats. In considering this the Inspector concluded that:

‘20. The absence of sufficient information means that I cannot rule out potentially significant harm to protected species. As such, I conclude that the scheme would be contrary to Policy BIO1 of the BLP and guidance of the Biodiversity/Geological Conservation SPD, which seek to

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protect and improve existing habitats and protected species. Moreover, the proposal would be contrary to the Framework which states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

The current application is now accompanied by a Preliminary Roost Assessment (November 2019) and Protected Species Report: Bat Characterisation Surveys (November 2021). The Protected Species Report concludes that:

'7.1 Roosting Bats

As the proposed redevelopment will involve major disturbance and potential destruction of a day night roost for a single common pipistrelle bat within Building 1 at The Goldthorpe Hotel, Goldthorpe, South Yorkshire. A Natural England European Protected Species (EPS) licence, or Bat Mitigation Class Licence must be secured to continue with redevelopment works.

7.2 In order for a European Protected Species Licence to be approved by Natural England it must be demonstrated that proposals will minimise any potential impacts upon roosting bats and that the favourable conservation status of bat species is met. To ensure this is the case a mitigation plan is outlined in Table 1.'

The report then outlines the mitigation proposed as part of the planning application scheme. Therefore it is clear that the one outstanding issue identified by the Inspector has been resolved and there are no issues with the proposals, and no reason why planning permission should not be granted.

When considering an application for planning permission, section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990) states that the decision-maker must have regard to:

- the provisions of the development plan, so far as material to the application
- post-examination draft neighbourhood development plan, so far as material to the application
- any considerations relating to the use of the Welsh language, so far as material to the application
- any local finance considerations, so far as material to the application
- any other material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) provides:

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

It is established law that priority is to be given to the development plan in determining planning matters. However, if there are material considerations (assessed on a case-by-case basis) that indicate the provisions of the development plan should not be followed, they can outweigh this.

It is considered that the appeal decision is an important material consideration in the determination of this application, and that significant weight should be given to the conclusions of the Inspector in respect of the proposals. As the only outstanding issue has now been resolved, there is no reason why planning permission should not be granted for this application.