

<b>Application Reference Number:</b>	2025/0737
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<b>Application Type:</b>	Full.
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<b>Proposal Description:</b>	Erection of one pair of semi-detached dwellings.
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<b>Location:</b>	Garage Site Bmbc Asset Id B00285, Cresswell Street, Pogmoor, Barnsley.
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<b>Applicant:</b>	Ms Stephanie Dunlavey.
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<b>Third-party representations:</b>	None.	<b>Parish:</b>	None.
		<b>Ward:</b>	Old Town.

**Summary:**

This planning application seeks full planning permission for the erection of 2no. two-storey, semi-detached dwellings.

The site falls within Urban Fabric as allocated by the adopted Local Plan. Development comprising the erection of a new dwelling is considered acceptable in principle if proposals would not significantly adversely affect residential amenity, highway safety, and where satisfactory standards of design are achieved.

The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

**Recommendation:**

Approve subject to conditions



## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting on 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.

### Local Plan Allocation – Urban Fabric

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

**Policy SD1: Presumption in favour of Sustainable Development** – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

**Policy GD1: General Development** – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

**Policy D1: High quality design and place making** – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

**Policy 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.

**Policy 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. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

**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.

**Policy T3: New Development and Sustainable Travel** – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

**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.

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

### National Planning Policy Framework

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied.

The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent.

The most relevant sections are:

- Section 2 – Achieving sustainable development.
- Section 4 – Decision making.
- Section 9 – Promoting sustainable transport.
- Section 12 – Achieving well-designed places.
- Section 15 – Conserving and enhancing the natural environment.

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

### Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Biodiversity
- Design of Housing Development
- Parking

- Sustainable Travel

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

#### Other Guidance

- South Yorkshire Residential Design Guidance

#### **Consultations**

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

Old Town Ward Councillors were consulted, and no comments were received.

Pollution Control were consulted and raised no objections subject to conditions.

Yorkshire Water were consulted and raised no objections subject to conditions.

#### **Representations**

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to surrounding properties and a site notice erected. No comments were received.

#### **Assessment**

The main issues for consideration are as follows:

- The acceptability of residential development.
- The impact on the character of the area.
- The impact on neighbouring residential properties.
- The impact on the highway network and highways standards.
- The impact on biodiversity.

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

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

## Principle of Development

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings. In this case the street is largely residential and as such the use of this site for residential uses would be in keeping with the locality. This weighs significantly in favour of the proposal.

In addition to the above, all new dwellings must ensure that living conditions and overall standards of residential amenity are provided for or maintained to an acceptable level both for new residents and those existing. Also, development will only be granted where it would maintain visual amenity and not create traffic problems or reduce highway safety.

## Design and Visual Amenity

The street scene consists predominately of two-storey, terraced dwellings as such development on this site should relate to these adjacent properties. The proposal involves the erection of a two semi-detached dwellings with pitched roofs. In terms of materials the street scene features predominantly brick-built dwellings. The proposed materials will harmonize with the appearance of the adjacent dwellings given it is proposed to be brickwork. This weighs significantly in favour of the proposal.

The site was previously a garage site therefore, it adds little to the visual amenity of the street scene due to its clear distinction from the adjacent dwellings and greenspace. Many of the adjacent dwellings including those in closest proximity are also two storey dwellings like those proposed and the height of the proposed dwellings is in line with those adjacent.

The addition of the dwellings is not deemed to be significantly detrimental to the visual amenities of the street scene due to its lack of visibility within it as it will be seen in line with the adjacent dwellings and not stand out. As such, the proposed dwellings would not be contrary to the development pattern of the area or appear as an overly anomalous feature in the street scene. If anything, the garage site at present is more of an anomalous feature than the proposed dwellings would be. This weighs significantly in favour of the proposal.

The design of the dwellings is straightforward and would be of a scale which harmonises with that of the adjacent dwellings. The proposed design and materials are deemed sympathetic to the street scene, and the dwellings would not have a negative impact in terms of being an anomalous feature.

Sufficient landscaping is not indicated on the submitted site plan and will therefore be dealt with via conditions; however acceptable boundary treatments have been indicated. This has limited weight against the proposal. Overall, the development is acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and Local Plan Policy D1.

## Residential Amenity

The proposal involves the erection of two new semi-detached dwellings. Other residential properties are adjacent and most notably to the north (28 & 30 Cresswell Street), northeast (66 & 68 Winter Road), east (62 & 64 Winter Road) and west (29, 31 & 33 Cresswell Street). Therefore, the impact upon the residential amenity of these properties is an important consideration. The site was previously a garage site which is surrounded by residential dwellings therefore the use of the site for residential purposes is in keeping with the adjacent uses.

In terms of external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12 metres should be maintained between habitable room windows and a blank side elevation. No first-floor habitable room windows would face the adjacent dwellings to the north as the habitable

room windows are located on the front and rear elevations. Habitable room windows will face the adjacent dwellings to the northeast, east and west.

The dwellings to the northeast and east are separated by an adjacent garage site. Approximately 17.3 metres would be achieved between the proposed dwellings and the rear elevation of 66 Winter Road to the northeast. While this would fall short of the 21 metres required by the Council's adopted design guidance, the separation distance that would be achieved would follow the prevailing pattern of development and would therefore, unlikely be any more harmful than any existing level of impact that may be experienced. The proposed dwellings would also not face directly onto the rear garden or opposite of the rear habitable room windows of 66 Winter Road and would be positioned to the south further lessening the extent of any potential impact. Approximately 31.7 metres would be achieved between the proposed dwellings and the side elevation of 64 Winter Avenue to the east which is acceptable. Approximately 13 metres would be achieved between the proposed dwellings and 29 Cresswell Street to the west. Again, this would fall short of the required 21 metres. However, the proposal would maintain existing separation distances and again, would not directly face the neighbouring properties, instead facing along the road of Cresswell Street to the southwest. As such, it is not considered that the proposal would contribute to significant levels of overlooking and loss of privacy and is therefore, considered acceptable in this instance. This weighs moderately in favour of the proposal.

The proposal should not cause any significant overbearing or overshadowing to any neighbouring dwelling. The dwelling is set to the south of the dwellings to the north, but these are the immediately adjacent dwellings, and the proposed dwellings do not project beyond the front or rear elevations of these. Although given the orientation is it unlikely that rear amenity space of these dwellings will be significantly impacted. The dwellings being set in line also maintains the development pattern. This weighs moderately in favour of the proposal.

The proposed dwelling has been designed with adequate room sizes in compliance with the standards set within the SPD and the SYRDG. Regarding external amenity space, 49sqm per dwelling is provided. Whilst being 1sqm short of the recommended 50sqm this is not deemed significantly harmful. The proposal is considered to be acceptable in terms of residential amenity in accordance with the SPD Design of Housing Development and Local Plan Policy GD1.

### Highway Safety

There will be no impact upon highway safety. The dwellings have the required amount of parking in accordance with the parking SPD. It is also noted that tracking was undertaken, and additional hard standing is to be provided to assist manoeuvring vehicles. As such, the proposal is acceptable from a highway's perspective and in accordance with Local Plan Policy T4. This weighs significantly in favour of the proposal.

### Impact on Biodiversity

The LPA's Biodiversity Officer raised no objections to the proposal. A statutory biodiversity metric, with associated baseline and post-development habitat plans has been submitted, along with a Plans and Elevations drawing (ref: 24-198, 01), which includes the proposed location of bat, bird and insect boxes and hedgehog access points.

The metric indicates that a gain in 0.0038 habitat units (32.48%) can be achieved as a result of the development, meeting the 10% Biodiversity Net Gain (BNG) requirement. As no significant habitats are being proposed there will be no requirement to condition a Habitat Management and Monitoring Plan. The proposal is therefore considered acceptable and in accordance with Local Plan Policy BIO1. This weighs moderately in favour of the proposal.

## Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

### **Recommendation**

Approve subject to conditions

### **Justification**

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Biodiversity alterations
- Drainage alterations
- Highways alterations

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

## 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 Biodiversity Gain Plan shall be prepared in accordance with the Ecological documents submitted with the application [Amended Biodiversity Statutory Metric, Biodiversity Baseline Habitats Map, Biodiversity Condition Assessments & Biodiversity Post Works Habitats Map] by [Mitch Greenhalgh] and dated [08/08/2025].

**Reason: In the interests of clarification and to help deliver a biodiversity net gain on site in accordance with Schedule 7a of the Town and Country Planning Act 1990.**

3. The development hereby approved shall be carried out strictly in accordance with the amended plans:

24-198 01 Rev. A Plans and Elevations.

25162-DR-C-0100 Rev. P1 Tracking Layout.

STE/25/19/01 Drainage Design.

STE/25/19/02 Flow Control Manhole.

SHE-0084-3000-0900-3000 Hydro-Brake Optimum Technical Specification.

Mining Report ref. B00285, prepared by P. James and dated 26<sup>th</sup> November 2024.

Biodiversity Statutory Metric (Amended) ref. Cresswell Street, prepared by Mitch Greenhalgh and dated 8<sup>th</sup> August 2025.

Biodiversity Baseline Habitats Map.

Biodiversity Post Works Habitats Map.

Biodiversity Condition Assessments.

and specifications as approved unless required by any other conditions in this permission.

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

4. No development works shall begin until a Phase 1 report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall include, amongst other matters, the following:

- a) Planning History
- b) Site use history
- c) Site plan
- d) Changes in Land/Building usage
- e) Geology/Topography/Hydrology of site
- f) Storage tanks on/under site
- g) Surrounding land use
- h) Potential contamination sources and pathways
- i) Potential risks to proposed development
- j) Walk over survey
- k) Conceptual Site Model
- l) Risk Assessment
- m) Recommendations regarding further investigation (if necessary)

The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land.

**Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan Policy POLL1: Pollution Control and Local Plan Policy CL1: Contaminated and unstable Land.**

5. Notwithstanding the submitted details, upon commencement of development, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include 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 dwellings.  
**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.**
6. 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), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**
7. Walls shall be constructed of facing brickwork to match the external materials used in the construction of the adjacent neighbouring property 30 Cresswell Street, Pogmoor, Barnsley, S75 2DL.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**
8. The roof shall be constructed of Marlen modern dark grey interlocking concrete tiles.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**
9. During works, construction or demolition related activity shall only take place onsite 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: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.**
10. There shall be no burning of any material on the development site during the demolition and construction phases.  
**Reason: To reduce or remove adverse impacts on health and quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.**
11. The development shall be completed in line with biodiversity measures incorporated within the Plans and Elevations drawing (ref: 24-198 01 Rev. A) and the conditions of the planning permission. All the features shall be implemented in full and retained thereafter.  
**Reason: For the purposes of biodiversity conservation and in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.**
12. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound, solid 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 and in accordance with Local Plan Policy T4: New Development and Transport Safety.**

13. The development shall be carried out in accordance with the details shown on the submitted plan, Drainage Design STE/25/19/01 dated 25<sup>th</sup> September 2025 and prepared by Shaune Tonge, unless otherwise agreed in writing with the Local Planning Authority.

**Reason: In the interest of satisfactory and sustainable drainage.**

14. 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 D1: High Quality Design and Place Making and Local Plan Policy BIO1: Biodiversity and Geodiversity.**

## **Informatives**

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. The Town and Country Planning Act has been amended to make every grant of planning permission deemed to have been granted subject to the following General Biodiversity Gain Condition:

The development may not be begun unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) the planning authority has approved the plan.

The purpose of the General Biodiversity Gain Condition is to secure the 'Biodiversity Objective', which requires the post-development biodiversity value to exceed the pre-development biodiversity value of the on-site habitat by at least 10%.

Biodiversity net gain can be achieved through habitat creation or enhancement on-site or off-site; the purchase of biodiversity units from a habitat bank; or as a last resort through the purchase of statutory credits; or a mixture of these.

3. The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

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4. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email [HighwaysDC@barnsley.gov.uk](mailto:HighwaysDC@barnsley.gov.uk) or call to 01226 773555.
  5. It is recommended that measures are taken to prevent a nuisance/or affect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke, odour, light or dust. No waste should be burnt. If a Statutory Nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, light, odour, dust or smoke nuisance from being created.