

Application Reference: 2025/0850

Site Address: Land Adjacent to 2 Cemetery Road, Bolton Upon Dearne, S63 8LS

Introduction:

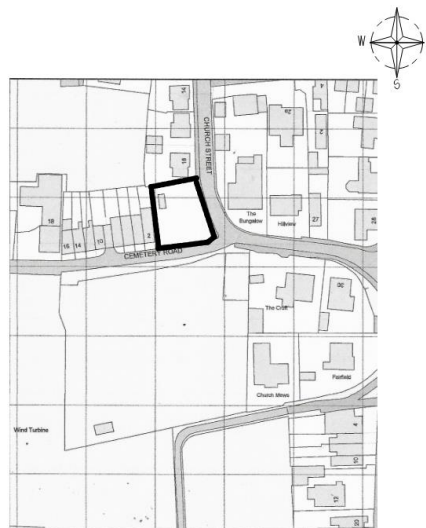
This application seeks outline permission for the erection of 3 dwellings (Outline with all matters reserved)

Relevant Site Characteristics

This site is located on the corner of Cemetery Road and is currently used as the side garden of 2 Cemetery Road. The garden is lawned and well-kept containing some fruit trees, hedges, and other vegetation. The site is bound by a low stone wall and has some domestic outbuildings within its curtilage. Part of the site includes the off street parking area and driveway associated with 2 Cemetery Road.

The site is located at the end of a terraced row of two storey dwellings and covers an area of 425sqm. The dwellings are set back from the road with a very small garden area located in-front. The dwellings have all been rendered and 2 cemetery road has a two storey rear extension constructed in red brick with a side facing bay window facing into the site.

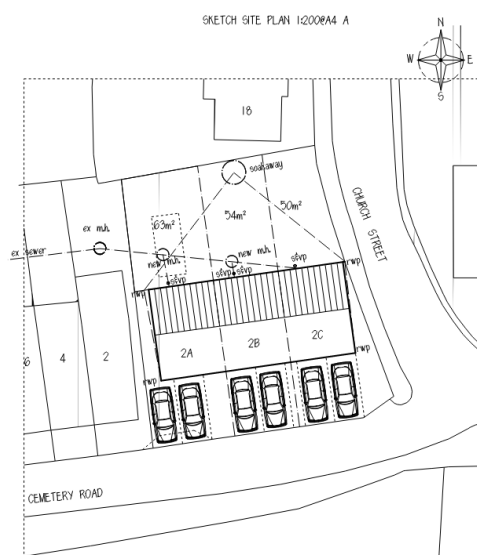
The original application showed that the site and 2 Cemetery Road were in the same ownership. The agent has stated that the land has been sold and is no longer within the same ownership. The location plan has been amended to reflect this change.

**Site History**

Application Reference	Description	Status (Approved/Refused)
B/86/0395/DE	Erection of pitched roof to existing flat roofed extension	

Detailed description of Proposed Works

The applicant is seeking approval for outline permission with all matters reserved for the erection of 3 dwellings on land adjacent to 2 Cemetery Road, Bolton upon Dearne. The plans show an indicative layout presenting three potential plots, although it must be noted that this is indicative only as this application has all matters reserved.



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 held 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 it.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy H1: The Number of New Homes to be Built.
- Policy H2 The Distribution of New Homes
- Policy H4: Residential Development on Small Non-allocated sites.
- Policy H6: Housing Mix and Efficient use of land
- Policy LG2: The Location of Growth.
- Policy GD1: General Development.
- Policy POLL1: Pollution Control and Protection.
- Policy CL1: Contaminated and Unstable Land
- 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.
- Policy CC1 Climate Change

- Policy CC2 Sustainable Design and Construction

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

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:

Paragraph 2. States that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 2 - Achieving sustainable development.

Paragraph 7. States that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8. Provides three overarching objectives to sustainability, social, environmental, and economic.

Paragraph 10 states to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Section 4 - Decision making

Paragraph 39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 48. Affirms that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Section 5 – Delivering a sufficient supply of homes.

Paragraph 73. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing;*
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;*
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and*
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.*

Section 9 – Promoting Sustainable Transport

Paragraph 110. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Paragraph 115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements, and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code ⁴⁸(Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007); and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

Paragraph 116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Section 11 – Making effective use of land.

Paragraph 124. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land, ⁴⁹(Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity) .

Section 12 - Achieving well-designed places.

Paragraph 131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities, and other interests throughout the process.

Paragraph 135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types, and materials to create attractive, welcoming, and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ⁵¹(Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 136. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, ⁵²(Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate) that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers

to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, ⁵⁴(Contained in the National Design Guide and National Model Design Code) taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Section 15 Conserving and Enhancing the Natural Environment.

Paragraph 187. Planning decisions should contribute to and enhance the natural and local environment by; protecting sites of biodiversity value; minimising impacts on and providing net gains for biodiversity, and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs; and preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 193. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons ⁷⁰and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 196. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 197. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 198. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. in doing so they should:

- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impact on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.*

Paragraph 201. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

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 Guidance

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 SPDs in this case are:

- Trees and hedgerows.
- Design of Housing Development.
- Walls and Fences.
- Biodiversity and Geodiversity.
- Sustainable Travel.
- Parking.
- Sustainable construction and climate change adaptation.

Other Material Considerations

- South Yorkshire Residential Design Guide

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

Consultations

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

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. A site notice was placed nearby and a press notice placed in a local newspaper.

Yorkshire Water - No objection subject to conditions.

Drainage – No objections.

Highways DC – No objections subject to conditions.

Pollution Control – No objections subject to conditions

Local Councillors – No comments received.

SYMAS – No objections subject to conditions

Coal Authority – No objections

Biodiversity – No objections subject to conditions

Tree Officer – No objections

Two objection letters have been received with the following concerns:

- The loss of parking provision for 2 Cemetery Road will lead to addition on street parking issues.
- Increase for the demand for on street parking where provision is limited.
- Safe access for emergency vehicles needs to be considered.
- Overdevelopment of the site should ideal be for 1 dwelling.

Planning Assessment

The main issues for consideration are as follows:

- The principle of the development
- The impact on visual amenity
- The impact on the highway considerations and the impact on the network
- The impact on neighbouring residential amenity
- The impact on biodiversity and trees

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

The site falls within Urban Fabric. Local Plan Policy H4: Residential development on small non-allocated sites, sets out that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan. The principle of development is supported by Policy H4.

Local Plan Policy H6: Housing mix and efficient use of land, states that proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

The delivery of 3 additional homes would make a small contribution towards the overall new homes target in line with Local Plan Policy H1. Barnsley cannot currently demonstrate a five-year housing land supply (including the buffer required because of our most recent housing delivery test result) and accordingly there is a demonstrable unmet need for housing.

NPPF Paragraph 73(d) states that small sites can make an important contribution to meeting the housing requirement of an area and that LPAs should “support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

Notwithstanding the above, whilst all new dwellings contribute to housing supply, the delivery of three additional dwellings would only make a limited contribution to the existing stock.

The development site is in an area that is principally residential, which comprises a mix of detached and terraced dwellings of differing heights. The site is allocated as Urban Fabric within the Local Plan. The proposal is for outline permission for the erection of a block of three terraced dwellings, with an indicative plan showing the potential siting, however, all matters are reserved at this stage. Residential properties of this type would maintain an appropriate housing mix within the local area, and as such, the use of the development site for residential uses would be in-keeping with the local character.

Considering the above, the principle of development is considered acceptable, subject to compliance with other relevant policies in the plan and all other material considerations.

Scale, Design and Impact on the Character

The proposal seeks permission for an outline development of three dwellings with all matters reserved. The plan submitted is indicative only and therefore the siting, scale, design, and impact on the character of the area can not be assessed at this stage.

The locality is characterised by a varied mix of house types and designs, with properties constructed from a mix of brick and render. Although appearance and siting are a reserved matter, there is no reason to suggest that a suitably designed scheme would fail to respect the prevailing character of the area.

On balance, the development is considered acceptable in terms of its impact on the character of the area and is compliant with Local Plan Policy D1.

Significant weight has been given to the design and impact on the character of the area.

Impact on Neighbouring Amenity

Although Policy GD1 of the Local Plan does not include reference to any specific space standards, it states that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents amongst other matters. Policy D1 of the Local Plan expects development to be of a high quality, including through its layout and design, so that it contributes to a healthy, safe, and sustainable environment.

The 2023 Design of Housing Development Supplementary Planning Document (SPD) advises that all developments should achieve the internal spacing standards set out in the South Yorkshire Residential Design Guide (SYRDG). It advises that the distance between facing habitable room windows should be 21m, the distance between a habitable room window and a blank gable wall should be 12m and that habitable room windows at first floor level and above should be a minimum of 10m from the boundary of any private garden which they would face.

It also advises that rear gardens of proposed dwellings should be at least 50 square metres in the case of two-bedroom houses/bungalows and 60 square metres for houses/bungalows with three or more bedrooms. Smaller gardens may be acceptable in corner plots if privacy and daylighting can be maintained.

There is a side window serving 2 Cemetery Road facing into the development site. It has not been established if this window serves a habitable room, nor is it established if this is a secondary window. The Council will seek to protect principle habitable room windows on the front and rear elevations of the adjacent property, but not secondary windows, particularly those on side elevations of adjacent dwellings.

The appearance and layout are not under consideration as part of this application, the indicative layout plan submitted indicates that the site is a sufficient size to accommodate 3no dwellings, and their associated parking and private amenity spaces, meeting the required separation distances without impacting on the amenity of surrounding properties as set out in the adopted SPD Design of Housing Development. However, a full assessment of the impact on residential amenity will be made as part of the reserved matters application.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction and demolition works. However, any impact is anticipated to only be temporary and construction hours can be controlled by condition.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development, Local Plan Policy D1: High Quality Design and Placemaking, Policy H4: Residential Development on Small Non-allocated Sites; SYDG, SPD: Design of Housing Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Significant weight has been given to the design and impact on residential amenity.

Highways

Local Plan 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;

This is an outline application with all matters reserved. The proposed new dwellings would be built within the amenity space of 2 Cemetery Road. At this outline stage two off-street parking spaces are demonstrated for each property, and this would appear to be acceptable for the size of dwelling proposed.

The Highways Officer visited the site as part of the assessment and states that it is apparent that the gated driveway on site has historically been used by the host dwelling of 2 Cemetery Road, bins are still stored on this space, the garden is still maintained, and there is nothing stopping this off-street parking provision being used by the host dwelling. The driveway can, and should, be maintained for the use of this property but this is not a reason to raise objection to the principle of development at this outline stage.

The Highways Officer has provided details of information that should be provided within any future reserved matters application:

- Appendix 4B section B1.1.19 of the South Yorkshire Residential Design Guide states that “access (driveways) to individual parking should be no less than 3.3 metres in width to allow for a pathway to the house. If the access does not have to provide a pathway to the house a 2.75 metres width is acceptable, but parking spaces must be capable of being widened to 3.3 metres in accordance with Lifetime Homes criterion. For wheelchair housing, the drive width must be 3.6 metres.” This should be adhered to by the design.
- Bin collection pads should be demonstrated adjacent to the public highway. Suitable storage for bins should also be shown.
- A scheme for the parking of bicycles complying with LTN 1/20 Cycle Infrastructure Design should be submitted.
- There is a footway that terminates at the junction of Cemetery Road and Church Street. This should be continued along the full frontage of the site at a minimum width of 2.0m. This is to allow for statutory undertakings to be installed away from the live carriageway and also to improve pedestrian safety for visitors and residents. The carriageway width should not be reduced.
- Lighting column no. 12 will require relocation. This should be agreed with the Council's street lighting department prior to any approval being granted.

As such, Highways Development Control would require changes to the layout, however adequate access and parking can be achieved so this can be addressed during the reserved matters application.

The proposal is considered acceptable from a highways development control perspective at this stage and is considered to comply with Parking SPD and Local Plan Policy T4: New Development and Transport Safety and Local Plan Policy T3: New Development and Sustainable Travel and is considered acceptable regarding highway safety.

Moderate weight has been given to the impact on highway safety.

Biodiversity

National policy and legislation require the delivery of Biodiversity Net Gain (BNG). In England, BNG became mandatory in April 2024 under the Town and Country Planning Act 1990, requiring development to deliver a minimum 10% net gain in biodiversity value, unless specific exemptions apply as set out in the Planning Practice Guidance.

Local Plan Policy BIO1 requires development to conserve and enhance biodiversity and geodiversity by protecting and improving habitats, maximising opportunities for biodiversity within and around new development, and safeguarding features such as ancient and veteran trees.

A BNG report and metric have been provided to support the application. The proposal site comprises vegetated garden, developed land, artificial unvegetated land and a non-native hedgerow. The habitats will be removed to accommodate the proposal. The BNG report indicates that offsite units will be purchased to achieve a minimum 10% gain. 0.05 habitat and 0.01 hedgerow units are required for this.

As it is intended to purchase off-site biodiversity units to meet the developments BNG requirements, these would ideally be purchased within the Barnsley LPA boundary, where possible.

It should also be noted that if it is intended to purchase statutory biodiversity credits to meet the developments BNG requirements, the applicant should refer to government advice. As the advice states the developer should discuss use of credits with the LPA prior to purchasing them. If a development needs less than 0.25 biodiversity units (area or linear) to achieve 10% net gain, statutory credits can be purchased without having to give evidence that insufficient off-site options (i.e. habitat banks) are available.

A bat roost assessment of the buildings on site concluded that they have negligible potential to support roosting bats. The Council's Biodiversity Officer has assessed this and is satisfied with the assessment in compliance with Policy BIO1: Biodiversity and Geodiversity.

Moderate weight has been given to Biodiversity and Geodiversity.

Contaminated and Unstable Land

Paragraph 197 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy CL1 Contaminated and Unstable Land states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- shows that investigations have been carried out to work out the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, the natural and historic environment;
- and sets out detailed measures to allow the development to go ahead safely, including, as appropriate:
 - removing the contamination;
 - treating the contamination;
 - protecting or separating the development from the effects of the contamination; and addressing land stability issues resulting from former coal mining activities.

Where measures are needed to allow the development to go ahead safely, these will be required as a condition of any planning permission.

SYMAS and The Coal Authority were consulted as the development site is located partly within/adjacent a Mining Remediation Authority planning referral area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically there is one mine gas site within, or within 50m of the planning boundary.

The applicant submitted a Coal Mining Risk Assessment for the proposals undertaken by LYONS CMC ref CMRA 00448 dated Feb 2026. The report indicates fugitive gas issues have been experienced in the area in the past possibly associated with former deep coal mine workings. The report recommends that gas monitoring/evaluation of ground gas risks could be undertaken and/or suitable mitigation should be incorporated into the proposed dwellings if necessary (e.g. gas membranes)

The requirement for gas protection/mitigation in buildings would be regulated as part of Building Control certification. In the absence of any gas monitoring gas protection membranes/mitigation should be installed.

The risk assessment concludes there is low/negligible risks in terms of shallow coal/unrecorded shallow mine workings and therefore an intrusive site investigation is not required. SYMAS concluded that the outline proposal is acceptable subject to an informative added to the decision notice. The Coal Authority raised no objection to the proposal. The proposal is therefore acceptable in compliance with Policy CL1 Contaminated and Unstable Land.

Moderate weight has been given to contaminated land.

Trees

The Council's Tree Officer has assessed the proposal and states that the trees and hedges on site are all small relatively insignificant specimens with little merit or amenity value beyond the garden in which they currently sit. As such there is no objection to the development of this site from an arboricultural perspective.

It should be noted that as it appears highly likely that the three small Apple trees will have to be removed to facilitate any proposal, new replacement tree planting will be required as part of the landscaping scheme for the site. This will be conditioned.

On balance, the development is considered acceptable in terms of its impact on the character of the area and is compliant with Local Plan Policy BIO1: Biodiversity and Geodiversity.

Moderate weight has been given to Biodiversity.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal constitutes acceptable development in respect of highway safety, residential and visual amenity and the proposal complies with the relevant plan policies and therefore 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 although further consideration will be required at reserved matters stage.

RECOMMENDATION: Approve subject to conditions

Justification

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

It was necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application.

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.