

Application reference number	2025 0159
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Application Type	Full planning permission
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Proposal Description:	Erection of 2no. detached bungalows with associated parking
Location:	Land at Hay Green Court, Birdwell, Barnsley, S70 5XQ

Applicant	Mr David Chambers
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Number of Third Party Reps	Three	Parish:	n/a
		Ward:	Rockingham

SUMMARY

The proposal seeks full planning permission for the erection of 2 bungalows. The proposal is considered to be acceptable in policy terms being designated as urban fabric within the Local Plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

The application has been amended by the submission of a contaminated land report and additional site sections.

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees, the wider character of the area or future residents, or the safety of the completed development subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**

Introduction

- The application seeks full planning permission for the erection of two bungalows.

Site Description

The application relates to an area of vacant land, mainly laid to grass, which measures circa 840m² and the means of access (existing) which gives a total site area of a 1144m². Levels on the site fall by a little over 1.2m from west to east and to a similar extent from north to south. The land sits in the South Western corner of a gated development of 3 dwellings made up of cottages and converted former agricultural buildings. Vehicular access is taken

from Hay Green Lane via Hay Green Court. The existing buildings are set out in a 'U' shaped arrangement formed around a central courtyard area.

There are detached residential properties to the east of the other existing dwellings in this gated development and on the opposite side of Hay Green Court. Immediately adjacent to the Eastern boundary of the site is a block of garages serving the existing dwellings within the gated development.

To the west and south an approved major residential development is underway. On the south boundary of the application site is an existing new wooden fence screening the rear gardens of the houses there which are complete and occupied. To the west, the houses are under construction.

Proposal

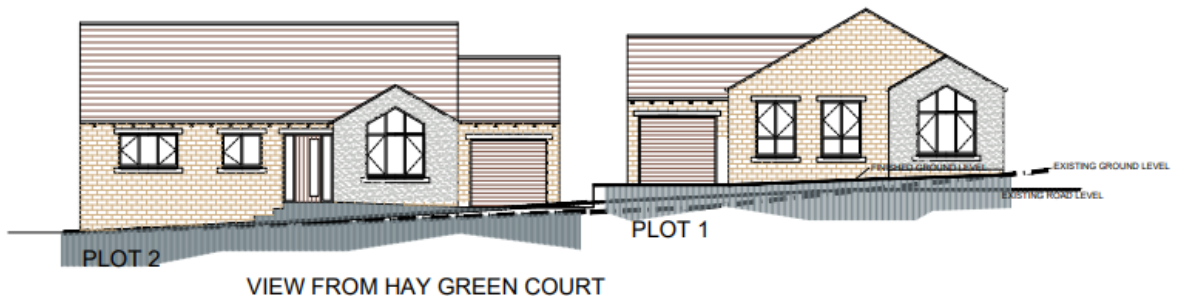
The application proposes the construction of two no. three bed detached bungalows, both with an integral garage and a parking space in front of the garage. The bungalows are aligned slightly obliquely to the rear boundary such that their rear gardens vary between 7.7 metres and 9.1 metres long. The rear gardens areas measure 130 and 136 square metres.

The application is supported by a Coal Mining Risk Assessment, a Phase 1 contaminated land report, Ecology reports, a Design and Access statement and the submission of amended plans to show levels and the relationship with neighbours.

Proposed layout, elevations and floor plans:

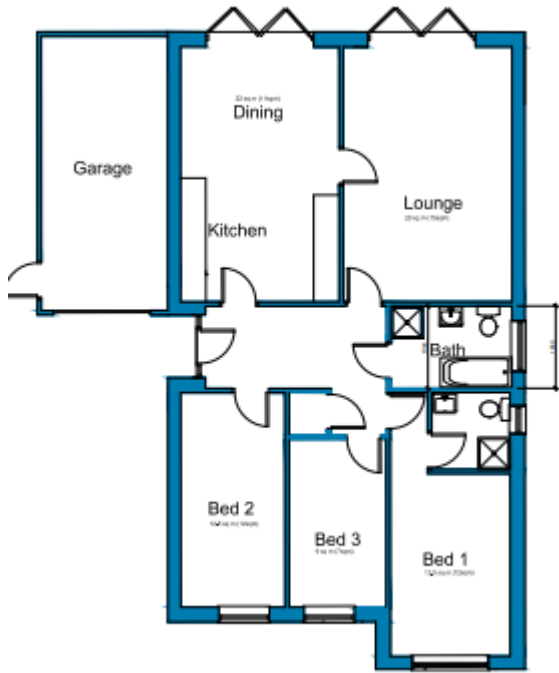


View from Hay Green Court showing levels



Plot 1

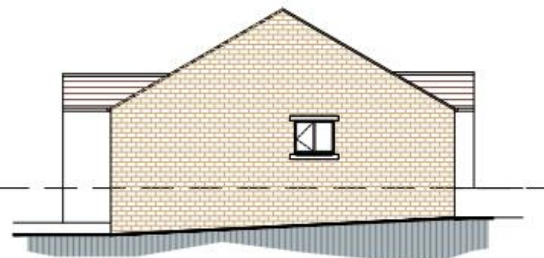




Plot 2



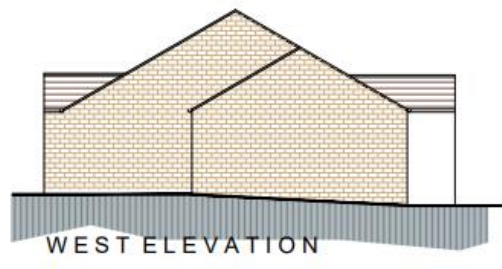
NORTH ELEVATION



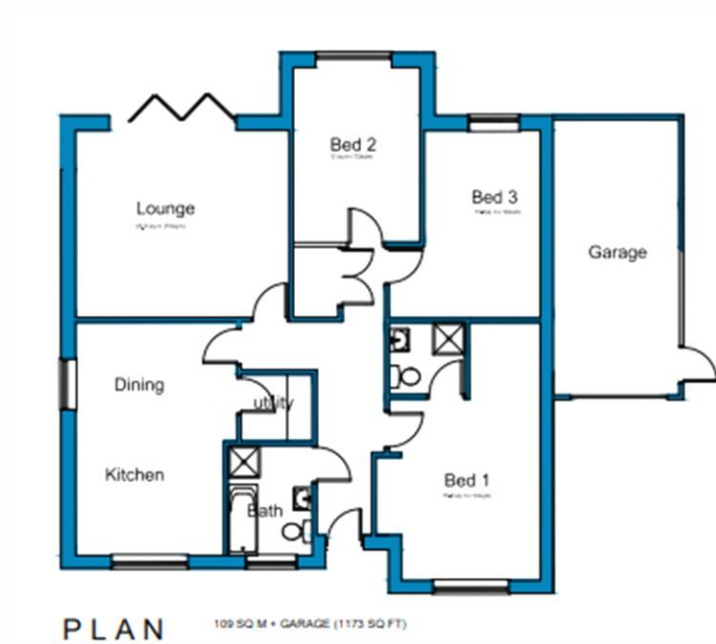
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2022/0618	Erection of 1 no. detached dwelling (Outline seeking approval of layout and means of access)	Granted 17 May 2023 and restricted by condition to 1 storey.

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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.

Local Plan

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

SD1 'Presumption in Favour of Sustainable Development'
Policy GD1 'General Development'
Policy LG2 'The Location of Growth'
Policy H1 'The Number of New Homes to be Built'
Policy H2 'Distribution of New Homes'
Policy H4 'Residential Development on Small Non-allocated Sites'
Policy H6 'Housing Mix and Efficient Use of Land'
Policy T1 'Accessibility Priorities'
Policy T3 'New Development and Sustainable Travel'
Policy T4 'New Development and Transport Safety'
Policy D1 'High Quality Design and Place Making'
Policy CC1 'Climate Change'
Policy BO1 Biodiversity and Geodiversity
Policy CC2 'Sustainable Design and Construction'
Policy CC4 'Sustainable Urban Drainage'
Policy CL1 'Contaminated and Unstable Land'
Policy Poll1 'Pollution Control and Protection'

Adopted Supplementary Planning Documents relevant to this application:

-Design of Housing Development
-Parking
-Sustainable Travel

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policy of relevance to this application includes:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 61 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 73 – Great weight should be given to the benefits of using suitable windfall sites within existing settlements for homes

Paras 78-81 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 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 would be severe.

Para 126 - The creation of high-quality 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.

Para 139 – Significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and SPDs such as design guides and codes.

Paras 196 and 197 – Planning policies and decisions should take account of ground conditions and any risks arising from land instability and contamination and ensure that adequate site investigation information is available to inform assessment. Responsibility for securing a safe development rests with the developer and/or landowner.

Relevant Consultations:

Biodiversity- No objection subject to conditions

Highways DC – No objection subject to conditions

Conservation and Design Officer – Initial comments expressed concerns at the cramped form of the development and the impact of the proposal on the adjacent Hay Green Court.

- In response to correspondence from the agent and reconsideration confirmed no objection.

Drainage – No objection

Pollution control – Initial comments expressed concerns at the lack of a contaminated land report given that contaminants were identified and required mitigation on the adjacent site.

- In response to submission of a phase 1 contaminated land report which confirmed a low/moderate risk of contamination, confirmed no objections subject to condition.

Mining Remediation Authority (Coal Authority) – No objection subject to condition

South Yorkshire Mining Advisory Service – no objection subject to condition

Ward Councillors – no comments received.

Representations

Neighbour notification letters were sent to 21 surrounding properties, and two site notices were placed nearby.

Three representations were received. The representations raised the following material planning issues:

- Concern at how tall these bungalows will stand
- Concern at the capacity of Hay Green Lane to take additional vehicles and the likely intensification of traffic issues and safety concerns for drivers and pedestrians
- Impact on privacy and enjoyment of property due to proximity of the dwellings and overbearing impact on home and garden.
- Noise, disruption and overlooking
- Construction disruption including noise, dust and general disturbance

- A request that the properties are built from materials in keeping with the other 3 properties in the Hay Green Court development – stone with slate roofs.
- Anticipate parking issues as the current 3 owners have ownership over the land beyond the proposal but accept that is something we can deal with.

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 the ecology of the site
- The impact of stability and contamination issues.
- Other

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 principle of residential development is acceptable in this urban fabric location within the Hoyland Principal Town boundary; and has previously been established by the 2023 outline planning permission for a single dwelling. Local Plan policy H4 indicates that proposals for residential development on non-allocated sites below 0.4ha will be allowed where the proposal complies with other relevant policies in the plan, which are assessed below. Great weight is given to the provision of two dwellings.

Design

The design of the proposed bungalows is considered to be acceptable and in keeping with the character of the area. While the siting of the bungalows is in a form of backland location, the impact on the street scene from Hay Green Lane will be significantly minimized by the existence of substantial hedgerows around the shared access drive. In addition, the bungalows will be seen in the context of the modern housing estate under construction to the south of the application site. It is concluded that subject to a condition requiring details of the proposed materials to be agreed, the proposal is in conformity with Local Plan Policy D1 High Quality Design and Place Making and significant weight is given to this material consideration.

Residential Amenity

The proposed bungalows have rear gardens that vary in length between 7.7 metres and 9.1 metres long. In addition, sketches submitted in support of the proposal show that the levels differences between the proposed bungalows and the gardens of the nearest houses to the

south is such that the internal floor of the bungalows will be no more than one metre higher than the lowest point of the existing boundary fence to the shared boundary. The nearest dwellings beyond the rear gardens to the south are sited at right angles to the proposed bungalows and have an existing privacy fence on the mutual boundary, meaning that the proposed bungalows will not significantly overlook the private gardens of these houses. The bungalows will have an oblique view of the nearest houses to the south and are sited closer than the previously allowed bungalow (which had a minimum rear garden length of 10 metres). However, the Design of Housing Development SPD accepts that a reduced distance may be accepted for bungalows provided they meet garden size standards and ensure adequate levels of amenity for occupants in terms of outlook, privacy and daylight. It is concluded that subject to a condition requiring details of the existing and proposed levels of the proposed bungalows to be agreed and implemented; and a further condition to remove permitted development for extensions and outbuildings, the proposal will not impact residential amenity of the existing dwellings to a significant degree.

The distance between the proposed bungalows and the existing houses sharing the same access at Hay Green Court, and the existence of substantial boundary screening around the gardens to the houses, means that the proposal will not cause any significant overlooking or loss of privacy to the existing dwellings.

Internally the room sizes meet or exceed the standards set in the South Yorkshire Residential Design Guide and the proposed bungalows have gardens that at 130 and 136 square metres comfortably exceed the requirement for a minimum of 60 square metre back gardens. It is concluded that the proposed bungalows will have satisfactory levels of residential amenity.

It is concluded that the proposal will have an acceptable relationship with the nearby dwellings, and the proposed dwellings will have an acceptable level of residential amenity, in compliance with the requirements of Local Plan Policies GD1 General Development and Poll1 Pollution Control and Protection, subject to the levels and permitted development conditions referred to above and a condition restricting hours of construction. Moderate weight is given to this material consideration.

Impact on Highway Safety

Reflecting the advice of the Highway Engineer, the proposal will result in a maximum of five dwellings being served off a private drive which is acceptable, and the layout is considered acceptable subject to a condition requiring all parking and turning areas to be surfaced and kept available before the dwellings are occupied. The proposal is in compliance with Local Plan Policies T3 'New Development and Sustainable Travel' and T4 'New Development and Transport Safety' and moderate weight is given to this material consideration.

Impact on Geodiversity and Biodiversity

The proposal will result in loss of biodiversity on site and it is understood that the applicant intends to purchase biodiversity offsite units to secure a minimum 10% net gain in biodiversity which is acceptable. In addition, measures to secure additional on site biodiversity measures reflecting the Biodiversity and Geodiversity SPD should be secured. Subject to conditions reflecting these requirements it is concluded that the proposal is in conformity with Local Plan Policy BIO1 Biodiversity and Geodiversity and the associated SPD. Moderate weight is given to this material consideration.

Contamination

A phase 1 contamination report has been submitted at the request of the Pollution Control Officer. This concludes that there is a low/medium risk of contamination. Subject to the

imposition of a condition requiring a detailed remediation scheme to be submitted, agreed and implemented it is considered that the impact of the risk of contamination on new residents has been adequately addressed in compliance with the requirements of Local Plan Policy C11 Contaminated and Unstable Land and moderate weight is given to this material consideration.

Stability/ Coal Mining Legacy

A coal mining risk assessment was submitted with the application which concludes that intrusive site investigations should be carried out to establish the risks posed to the development from past coal mining activity, what if any remediation is required and to require any such remediation to be completed. This conclusion has been accepted by the Mining Remediation Authority (Coal Authority) and the South Yorkshire Mining Advisory Service who recommend a condition to secure this. Subject to the imposition of this condition it is considered that the impact of the risk of instability has been adequately addressed in compliance with the requirements of Local Plan Policy C11 Contaminated and Unstable Land and moderate weight is given to this material consideration.

Any Other Material Planning Considerations

The Council's Drainage Engineer has confirmed that there are no objections to the proposal to connect to the mains sewer for disposal of foul sewage and no conditions are necessary.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs considerably in favour of the application. In addition, amendments that have been submitted to address concerns relating to onsite contamination and the relationship with nearby dwellings. These have shown that subject to conditions the proposal will be acceptable with a suitable design and layout and measures in place to secure biodiversity net gain and additional mitigation, and stability and contamination investigations in the interests of the safety of future occupiers.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions holistically this weighs moderately in favour of the application.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied and further amendments to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is considered to be in accord with the development plan as a whole and therefore, on balance, is recommended for approval.

RECOMMENDATION

GRANT PLANNING PERMISSION

CONDITIONS

01. 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.
02. Plans condition
The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission:
Site Plan drawing number 240151 01 A
Plans and elevations plot 1 drawing number 24-151 02 A
Plans and elevations plot 2 drawing number 24-151-03 A
REASON:
To ensure that the development is carried out in accordance with the application as approved.
03. Intrusive investigations condition
No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance including the Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework.
04. Remediation scheme
Prior to commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with Local Plan Policy CL1 Contaminated and Unstable Land

05. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Prior to occupation of the dwellings/commencement of the use, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy CL1 Contaminated and Unstable Land.

06. Biodiversity Mitigation and Enhancement Scheme

Prior to the commencement of any development on site a Biodiversity Mitigation and Enhancement Scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following.

- Precautionary Working Measures to ensure small mammals are not injured and/or killed during site clearance works;
- The provision of at least 1 no. integrated bat roosting box and integrated swift box to be installed in suitable locations within each new dwelling on site; and
- Hedgehog highways to be installed in all boundary fencing, including fences between dwellings. The hedgehog highways will be signposted to prevent residents blocking the gaps.

The development shall be completed in line with the recommendations within the Ecological Impact Assessment and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: To ensure that the development secures adequate biodiversity mitigation and enhancement in compliance with the requirements of Local Plan Policy BIO1 Biodiversity and Geodiversity and the associated SPD

07. Materials to be agreed

Upon commencement of development, details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

08. Levels to be agreed

Upon commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

09. Provision of Parking and Vehicle Areas

Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas must be

properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

REASON: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.

10. Removal of pd for ext and outbuildings.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) 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, and no garages or other outbuildings shall be erected.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

11. Hours of construction.

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 Policy Poll1, Pollution Control and Protection.

INFORMATIVES

01. Ground investigations

Ground Investigations

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? – GOV.UK (www.gov.uk)

02. Shallow coal seams

Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

03. Biodiversity 1

BNG INFORMATIVE 1

The General Biodiversity Gain Condition

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.

04. Biodiversity 2

BNG INFORMATIVE 2

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.

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

The above objections, consideration and resulting recommendation have had due regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

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:

1. The need to address the risk of contamination on the site
2. The submission of site sections to demonstrate an acceptable relationship with existing dwellings.