
2024/0780

Mr Mark Pashley

Outline application for the demolition of existing dwellinghouse and outbuildings and erection of 5no. dwellings with access and layout considered at this stage.

91A High Street, Dodworth, Barnsley, S75 3RQ

Introduction

This application seeks outline planning permission for up to 5 dwellings, with access and layout details, following the demolition of an existing dwellinghouse and outbuildings. The proposed layout has been amended to address concerns regarding the impact upon residential amenity, as well as highway issues. Additional information relating to bats has also been provided during the course of the application.

The application is being presented to Members due to the volume of public interest received in response to the publicity, as summarised below.

Site Location & Description

The application site consists of an existing detached dwelling and associated outbuildings/barns located to the north of High Street. The site extends to 0.21ha and wraps around the existing dwellinghouse to the east, west and north. The dwelling is substantially sized finished in stone, brick and render and has a traditional character, with gable roofs, vertical windows and chimney features.

The western section of the site has an open appearance fronted by a low stone wall, and is grassed with an informal driveway. The dwellinghouse is sited towards the front of the site, though has a small landscaped garden between the front elevation and the southern boundary of the site. There is an enclosed garden to the east which is also heavily landscaped. A large brick outbuilding is sited to the north-west of the dwellinghouse, which is clearly visible from the street. The outbuilding has various roof lines and heights and has a traditional barn like appearance, with stable doors and square shaped openings. It is unclear what the outbuilding has been used for in recent years.

The existing residential garden extends to the north being circa 50m in length. The site is separated into two distinct areas, a landscaped garden/orchard area and a more traditional lawned area. A small outbuilding is located in the north-west corner at the end of the rear garden.

The surrounding area is predominantly residential in nature, with dwellinghouses immediately adjoining the application site. The adjacent development is fairly high-density, though has no distinct character due to a mixture of housetypes, materials and scales. The properties to the west are traditional terraces finished in stone, though have a mix of gable and hipped roofs, whilst the dwellings to the east and north are built in brick but detached and modern in style. There is a commercial/office use located on the opposite side of the High Street, which is a converted factory development. Other pockets of infill development have taken place on surrounding streets including larger detached style properties.

The eastern part of the application site is at a higher level than the street to the west (Rose Hill Drive) with the neighbouring properties being circa 2.5m lower than the existing garden. The eastern boundary of the site acts as a retaining wall to support the site and defines the rear gardens of Nos. 1-9 Rose Hill Drive. On the application site side, this wall provides a low boundary treatment meaning views into and across the site are openly visible from the upper floor of the adjacent properties.

The existing dwellinghouse positively contributes towards the traditional appearance of the street scene, however its scale and detached nature makes it appear isolated from the immediate neighbours. As explained above, the surrounding area consists of varied housetypes and build patterns, though predominately high-density. The properties along High Street are typically sited close to the road, though there is no defined building line.



Site History

No recorded planning history.

Proposed Development

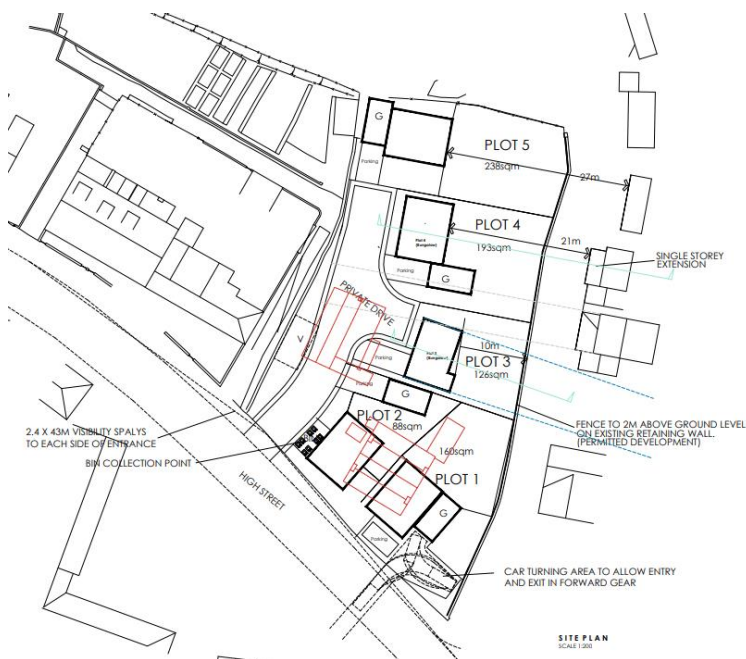
This application seeks outline planning permission (with approval for access and layout) for the erection of up to 5 dwellings. The application has been supported by a proposed masterplan which demonstrates the siting for each dwelling; associated garages and driveways as well as the highway details.

Given that this is an outline application, the scale of the proposed dwellings will be assessed further at reserved matters stage. However to protect residential amenity, two plots have been annotated as bungalows. This will also be secured via condition. The massing and appearance of

the dwellinghouses will also be assessed further as part of future reserved matters application, along with the final landscaping scheme.

The development description refers to the demolition of the existing dwellinghouse and outbuildings. 4x plots would be accessed via a private drive, positioned in a similar position to the existing driveway, whilst Plot 1 would be accessed directly off High Street. The private drive would run along the western boundary of the site, with Plot 5 sited at the northern end of the site. The development includes the erection of a 2m boundary fence along the eastern boundary, though the colour/design of this would be assessed as part of future reserved matters applications.

The proposed site plan has been updated to address concerns regarding the impact upon residential amenity and highway issues. Additional ecology information has also been provided during the course of the application.



Policy Context

Allocation/Designations

The site is allocated as Urban Fabric as defined in the adopted Local Plan, which has no specific land allocation.

The site is within a low-risk development area as designated by the Mining Remediation Authority. The site lies within Flood Zone 1 (low risk) as per the Environment Agency maps.

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 GD1: General Development
- Policy D1: High Quality Design and Place Making
- Policy SD1: Presumption in favour of Sustainable Development
- Policy T4: New Development and Transport Safety
- Policy LC1: Landscape Character
- Policy POLL1: Pollution Control and Protection
- Policy H1: The Number of New Houses to be Built
- Policy H4: Residential development on small non-allocated sites
- Policy BIO1: Biodiversity & Geodiversity
- Policy CL1: Contaminated and Unstable Land
- Policy CC3: Flood Risk

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:

Section 5 – Delivering a Sufficient Supply of Homes
Section 9 - Promoting Sustainable Travel
Section 11- Making Effective Use of Land
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 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 SPD's in this case are:

- Parking, November 2019
- Sustainable Travel, July 2022
- Design of Housing Development, July 2023
- Residential Amenity and the Siting of Buildings, May 2019
- Biodiversity & Geodiversity, March 2024
- Development on Land Affected by Contamination, November 2019

- South Yorkshire Residential Design Guide, 2011

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

Consultations

Biodiversity Officer – The application submission was supported by a Preliminary Roost Appraisal. During the course of the application, additional ecology information has been provided, primarily in relation to bats. The existing outbuildings were considered to have moderate potential to support roosting bats and therefore emergence surveys were required. The emergence surveys were undertaken in May 2025 which concluded that both the dwellinghouse and outbuildings have negligible potential. The Biodiversity Officer has reviewed this survey and has no objection to the findings.

The BNG metric indicates that development would result in a -57.01% net loss in habitat units. The application will be subject to the standard BNG condition which requires information to demonstrate how the mandatory +10% will be achieved. As there is limited availability onsite the Applicant may look to provide this off-site or via a habitat bank.

In summary, the Biodiversity Officer has no objection subject to the standard BNG conditions; submission of avoidance measures and accordance with/ implementation of mitigation.

Local Ward Cllrs – Concerns regarding the loss of the existing dwellinghouse; overlooking issues; impact upon residential amenity; traffic concerns; lack of parking locally and drainage concerns. These issues are addressed in the appraisal below.

Forestry Officer – The application has not been supported by a Tree Survey however the vegetation on site has generally been maintained to a small size and therefore provides limited amenity value. On this basis, none of the trees are considered to be a development constraint. No objections subject to a suitable replacement planting scheme being secured as per the attached condition and within the future reserved matters application.

Drainage – No objection subject to pre-commencement condition requiring full drainage details to be submitted and agreed in writing.

Highways DC – The proposal has been amended to address concerns raised regarding the driveway at Plot 1, as explained further below. The amended layout is acceptable subject to conditions relating to the pre-commencement submission of a construction method statement, as well as surfacing; drainage; gradients; maintenance; sight lines and pedestrian visibility.

Pollution Control – No objection subject to conditions relating to hours of construction; no burning on site, and the pre-commencement submission of a dust management plan.

Yorkshire Water – No objection subject to conditions relating to separate systems for drainage and pre-occupation agreement of surface water discharge.

Representations

This application has been advertised in accordance with Article 15 of the Development Management Procedure Order (DMPO) 2015. The application has undergone 3 rounds of publicity following changes to the proposed plans. This is summarised as follows:

First Round (Initial Application Submission)

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 9/10/2024

- Site Notice (Public Interest) displayed adjacent to the site- consultation expiry date: 11/10/2024

Second Round (Amended Layout)

- Neighbour notification letters sent to adjoining properties - consultation expiry date: 11/7/2025

Third Round (Amended Plans/Annotations)

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 13/8/2025

20 letters in objection have been received across the 3 rounds of publicity, from 11 individuals/addresses. The material planning considerations included within the representations have been summarised as follows:

- Overlooking/loss of privacy;
- Impact due to level differences;
- Impact upon amenity;
- Insufficient separation distances;
- Over domination/ overbearing impact;
- Impact upon daylight;
- Land stability;
- Increase in retaining wall height;
- Subsidence issues;
- Drainage/sewerage and flooding issues;
- Increased traffic along High Street;
- Visibility/highway safety;
- Pollution issues;
- Intrusion of 45degree zone;
- Increased noise levels;
- Discordant with adopted SPDs;
- Insufficient residential parking;
- Inaccurate ecology information
- Loss of existing dwellinghouse;
- Impact upon street scene/character of area;
- Lack of detailed information;
- Impact upon existing retaining walls/structures;

These concerns are addressed within the assessment below.

Assessment

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

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

Principle of Development

NPPF Paragraph 61 sets out the Government's objective to significantly boost the supply of homes and states that it is important that a sufficient amount and variety of land comes forward where it is needed.

The application site falls within urban fabric which has no specific land allocation. New dwellings are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety and accord with the relevant policies quoted below.

Policy H4 Residential Development on Small Non-allocated Sites states 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 application site is 0.21ha in size and therefore Policy H4 applies.

Local Plan Policy H9 resists the loss of existing larger dwellings, with paragraph 9.34 stating that the development in gardens of larger dwellings will be resisted. Although the development will result in the loss of the existing dwellinghouse, this is considered to be acceptable in this instance. The surrounding area consists of high-density residential development, with no other examples of large gardens or similar style outbuildings present within the locality. The development of the plot would therefore be in-keeping with the adjacent uses and built form. The site is sufficiently sized to accommodate 5x replacement dwellings, thus will provide an uplift in the number of dwellings within the borough in accordance with Paragraph 61 of the NPPF.

The surrounding area is predominately residential, with dwellinghouses abutting the site to the north, east and west, and the wider area consisting of modern style residential development. The existing large garden/orchard area along with the outbuildings is uncharacteristic in this location, and the principle of residential development is more in-keeping with the neighbouring uses. On this basis the development is acceptable in principle subject to the considerations as followed. This weighs in considerable favour in the overall planning balance.

Design, Appearance & Impact Upon Character of Area

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials, as well as display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangements of materials, colours and details.

The proposed development seeks outline permission for up to 5x dwellings including access details and siting. This means the appearance and scale of the dwellings are to be assessed at reserved matters stage. The proposed site layout demonstrates that 5 dwellinghouses can be accommodated on site, whilst remaining sympathetic to the local character and appearance.

As mentioned above, the surrounding area consists of fairly high-density housing, with terraced dwellings to the west and modern detached style properties to the north and east. The adjoining built form consists of closely knitted properties with fairly small gardens to the front and/or rear. Historical images indicate that pockets of infill development have occurred within the surrounding area at Jermyn Court and High Street, which suggests that this form of development is in-keeping with the local building traditions.

Whilst it is recognised that the existing dwellinghouse does positively contribute towards the appearance of High Street, the overall character of the application site is somewhat contrary to the

prevailing character of the adjacent streets, with no other properties benefiting from large gardens/plot or the existence of barn like outbuildings. Whilst objections have been received regarding the loss of the existing building, the existing building is not statutorily listed, neither is it on the local list of dwellings of historic interest.

Section 24 of the Design of Housing Development SPD states that the space between proposed dwellings and those adjacent should reflect the prevailing character of the street, with the parking provision also to be accommodated in a similar manner to elsewhere on the street. The proposed site plan demonstrates that a layout which reflects the properties on Rose Hill Drive can be achieved, with the parking provision also to be similarly laid out. In summary, the development of 5x dwellings at this site would not appear out of place and is considered to be a suitable use of the plot when taking into account the local characteristics.

Nevertheless, the site layout has been amended to ensure that the proposal is not an overdevelopment of the plot and protects existing residential amenity (expanded upon below). Plot 1 and 2 will be positioned at the front of the site facing towards High Street. The properties will sit slightly forward of the existing dwellinghouse, though given the lack of defined building line, the proposed siting is acceptable. Whilst the scale and appearance will be assessed further at reserved matters stage, the site plan includes annotations which restricts Plot 3 and 4 to bungalows, with condition 24 also securing this. It is recognised that bungalows are not characteristic of the area, with the adjoining development typically two-storey in height. However, this variety of housetypes is not considered to harmfully disrupt the prevailing character and ensures that no harmful overlooking occurs (addressed further below).

The siting of the single garages reflects the existing built form along Rose Hill Drive with many of the neighbouring properties having attached garages. The proposed private drive layout and parking provision also replicates the adjacent residential streets. The site can accommodate small gardens to the front of each property further echoing the surrounding build pattern.

As summarised above, the local area consists of varied residential housetypes, and therefore a mix of houses and bungalows would not disrupt the prevailing character. Although the majority of the site is currently garden, the site is partially developed in the form of outbuildings and the existing dwellinghouse, with the garden only visible by the neighbours to the north and east. It is recognised that the proposal will somewhat alter the appearance of the site for the adjacent neighbours, however this is not considered to be detrimental and is not a material planning consideration. The proposal is not considered to overdevelop the site and will reflect the local character in terms of density and layout. The development will support residential uses within this predominantly residential location.

The appearance and materials of the proposed dwellings will be assessed further at reserved matters stage. However, based on the information available, it is considered that the development will reinforce the surrounding building traditions and positively contribute towards the character of the local area. The development accords with the requirements of Local Plan Policy D1 and NPPF Paragraph 135, and is afforded moderate weight.

Impact upon Residential Amenity

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable affect or cause a nuisance to the natural and built environment or to people.

As mentioned, the internal layout and appearance of the dwellings will be assessed at reserved matters stage. This includes the position of windows in terms of possible overlooking and the scale/height of the dwellings in regard to any overshadowing, as well as internal space standards.

Nevertheless, the site plan indicates the proposed siting of the dwellinghouses, meaning separation distances can be assessed. Section 4 of the Design of Housing Development SPD sets out the required external separation distances, with Paragraph 7 stating '*Distances between new buildings and existing dwellings may be relaxed depending on a number of factors including site level relationships, (i.e. if at a lower level), existing screening or landscaping between the existing and proposed buildings and location. Each case will be judged on its merits, but detailed information must be submitted to demonstrate that adequate levels of amenity would be retained for existing residents and provided for residents of proposed dwellings.*'

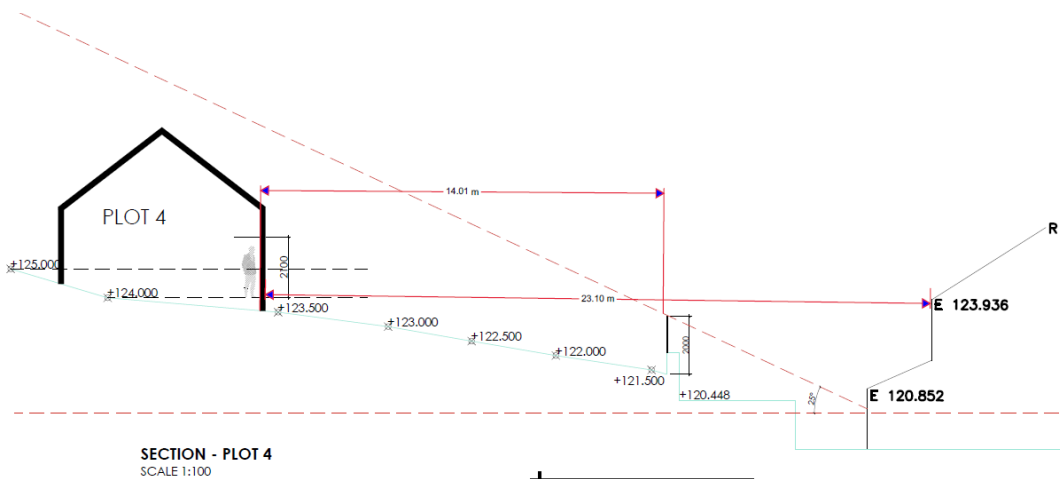
As summarised above, a number of neighbour representations have been received raising concerns regarding overlooking; overbearing impact and the general impact upon amenity due to the proximity between the proposed dwellings and the existing properties. In response to this, the site layout has been amended to extend the distance between Plots 3 and 4 and the neighbouring properties, to prevent any overlooking of neighbouring properties or gardens, as demonstrated on the section below.

Currently the existing garden has a very low boundary treatment meaning residents of Nos. 1-7 Rose Hill Drive currently benefit from long-range views of the application site. It is recognised that the development will alter these views, which could be considered as an overbearing or oppressive outlook. However, there is no legal right to a view.

Objections have been raised in relation to the proposed erection of a 2m boundary fence that could be placed to the boundary of the site. However, this style of fence could be erected along the application site boundary via permitted development by the current owners of the application site at any time, and therefore the current views across the site would be equally heavily obstructed.

The application submission has been supported by site section drawings which demonstrate the proposed relationship between plots 3 and 4 and the existing dwellings, determining that overlooking would be unlikely due to these plots being bungalows; the erection of the boundary fence and the position of these plots being set back from the boundary.

The SPD requires a separation distance of 21m where habitable room windows face existing habitable room windows. The site plan indicates that this distance can be achieved between the rear of Plot 4 and the rear elevation of No. 5 Rose Hill Drive. However, the site section shows this relationship more accurately and indicates that the facing windows would in fact be 23.1m apart, as shown below:



The red dotted line on the section above demonstrates the 25-degree line from the centre of the rear ground floor habitable room window. Where a development intersects or exceeds this line, this would be considered as overbearing or over dominating. However, the indicative ridge height falls 1.6m below the 25 degree line which demonstrates that the development would not be overbearing.

When taking into account the position of habitable room windows and the proposed boundary treatment, as well as the length of the proposed garden, the impact upon existing amenity is not considered to be overly harmful. The separation distances exceed those specified in the SPD and therefore takes into account the level differences. The proposed single storey height will also mitigate intrusive overlooking, with any future habitable room windows facing the boundary treatment or roof plane of No.5 Rose Hill Drive, rather than the main living spaces or garden.

As shown on the site section, Plot 3 causes minimal impact upon existing amenity due to its siting (positioned between Nos 1 and 3 Rose Hill Drive) and therefore would not introduce directly facing elevations. The separation distances between the proposed dwellings and the neighbouring gardens also achieve those specified in the adopted SPD. Although the internal layout of the proposed dwellinghouses are unknown at this stage, each property has a sufficiently sized rear garden which exceeds the requirements of the SPD. Issues such as natural light and internal room standards will be assessed further at reserved matters stage.

In summary, the amended site layout and supporting plans are considered to sufficiently address the concerns raised regarding the impact upon existing residential amenity. Whilst it is recognised that the development will disrupt existing long distance views over the application site, there is no legal right to a view and this does not constitute as a reason for refusal. The site sections demonstrate the realistic height of the proposed boundary treatment which could be erected via permitted development and the layout has been revised to ensure that suitable separation distances can be achieved. The use of bungalows on the plots closest to existing neighbours will minimise any overbearing or oppressive outlook, whilst the generous garden sizes and adequate separation distances demonstrate that the proposal is not an overdevelopment of the site.

The introduction of 5x residential properties is not considered to cause significant disturbance upon existing neighbours by virtue of comings and goings, pollution or residential activities. Although concerns have been received regarding impacts of construction, these are considered to be temporary impacts and the Environmental Health Officer has reviewed the application and raised no concerns regarding the proposed residential uses at the site, though suggested a condition restricting the hours of construction/demolition activities to further protect existing amenity.

A further thorough assessment in terms of any overlooking/overshadowing impacts upon residential amenity will be carried out at reserved matters stage once the appearance and scale of the dwellinghouses is understood. However, it is considered that the application site can accommodate the proposed number of dwellings whilst protecting existing and future residential amenity, subject to strict accordance with the attached conditions which includes removing permitted development rights and restricting the scale of Plot 3 and 4. The proposal therefore accords with Local Plan Policy GD1 and POLL1 and is afforded considerable weight in the planning balance.

Highway Considerations

NPPF Paragraph 116 states that 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.

Local Plan Policy T4 states that 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. It follows on state if a development is not suitably served by the existing highway or would add to problems of safety or the efficiency of the highway, developers will be expected to take mitigating action to make sure the necessary improvements go ahead.

Table 1 of the Parking SPD (November 2019) sets out the adopted parking standards for new developments.

The application seeks approval for access details and site layout, meaning the parking provision and highway safety issues can be assessed as part of this application. The South Yorkshire Residential Design Guide Section 4.B.1.1.9 states that unadopted shared private drives may give access for up to a maximum of 5 dwellings. This development proposes up to 5 properties, though only 4 would be accessed via the private drive. The proposed shared private drive arrangement is therefore acceptable.

During the course of the application additional highways information has been provided including swept paths and amended parking dimensions. The proposal includes creating a formal access at the western corner of the site, in a similar position to the current residential driveway. Neighbour representations have raised concerns regarding the proximity of this access to existing junctions onto Rose Hill Drive and Jermyn Croft. However, the Highways DC Officer has assessed the submitted plans in terms of visibility and confirms that the proposal is acceptable subject to strict accordance with the conditions attached relating to sight lines.

The driveway layout for Plot 1 has been amended to address concerns raised by the Highways DC Officer. Because this plot will exit directly onto High Street, the plot must accommodate sufficient turning space to ensure that vehicles exit in a forward-facing gear. The site plan has been updated to include this and includes sufficient provision to enable two cars to park and turn indecently.

Within the neighbour representations, the refusal of a nearby application was mentioned. An application to create a new driveway at No.113 High Street was recently refused and dismissed at appeal, with neighbours therefore suggesting that the Local Planning Authority is applying an inconsistent approach. However, the proposed driveway was a roll on-roll off style drive, with no turning space provision, meaning the vehicle could not turn around within the site or exit in a forward direction. Within the recent appeal decision the Inspector states: *'The size of the front garden area to the appeal property would not provide adequate space to allow a vehicle to manoeuvre within its boundaries to enter and exit in a forward direction.'* However, the development hereby proposed includes sufficient turning space within the front garden of Plot 1 and therefore addresses the Inspector's concern and the reason for refusal at the nearby site.

The proposed layout has been amended to accommodate a refuse collection point adjacent to High Street. The site plan indicates that each dwelling will have sufficient off-street parking provision with each property benefiting from a garage. The site plan also includes 1x visitor space adjacent to the private drive.

The proposed number of dwellings would not introduce a significant number of vehicle movements to warrant a transport assessment or a residual cumulative impact upon the local highway network. The Highways DC Officer therefore has no objection to the development subject to strict accordance with the conditions attached. This is afforded substantial weight in the planning balance.

Ecology & Biodiversity Considerations

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

BNG became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met.

The application has been supported by a BNG metric and report. The metric indicates 0.2323 habitat units are required to achieve the mandatory +10% net gain in biodiversity. The application does not specify how this will be achieved, however this is not a legal requirement and can be agreed as part of the net gain plan condition. Based on the proposed layout, there is considered to be limited availability to provide sufficient planting to achieve the +10% onsite and it is therefore assumed that this will be secured via purchased units/credits at a habitat bank, or alternatively on land off-site owned by the applicant. The BNG condition must be discharged prior to the commencement of development.

The original application submission included a preliminary roost appraisal which concluded that the existing dwellinghouse and outbuildings had negligible potential to support roosting bats. However, following a site visit, the Biodiversity Officer disagreed with this assessment and considered that the building in fact had moderate potential. On this basis, emergence surveys have been carried out during the required season, with the findings included within the Bat Report (dated: 6th May 2025). The Biodiversity Officer is content with the conclusions of this report, which confirms that no bats were observed emerging from the existing buildings during the survey.

On this basis, there is no objection in relation to biodiversity subject to strict accordance with the attached conditions, which requires details of '*Reasonable Avoidance Measures*' to be submitted and agreed prior to the commencement of development; the installation of 1x integrated bird and bat box per dwelling/hedgehog highways, and accordance with the recommendations of the submitted reports, in addition to the standard BNG conditions. This is afforded significant weight in the planning balance.

Drainage

NPPF Paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided.

Paragraph 171 states that advice from relevant flood risk management authorities such as lead local flood authorities and internal drainage boards should be taken into account.

Local Plan Policy CC3 states that new development should not be permitted where there would be an unacceptable risk of flooding.

Concerns regarding drainage and sewerage issues have been raised within the neighbour representations. However, both Yorkshire Water and the Council's internal drainage department have been consulted on this application and raised no objection to the proposal. Yorkshire Water have confirmed that they have no objection subject to the conditions attached. The internal drainage team have also requested a condition which requires full drainage details to be submitted and agreed prior to the commencement of development. Drainage details will also be assessed further as part of any future Building Control application. The development is therefore acceptable in terms of drainage/flood risk and is afforded significant weight.

Other Neighbour Representations

As part of the application publicity, neighbour concerns relating to land stability; subsidence and the impact upon existing retaining walls/structures were received. In areas such as high-risk coal mining development areas, the Local Planning Authority may request further details relating to land stability and/or ground conditions. Alternatively, in locations where ground pollutants are recorded, full contamination investigations may be required. However, in this instance, the application site is a residential garden in a low-risk coal mining area and therefore additional ground surveys are not required as part of the planning application process. Issues regarding land

stability and the strength/design of retaining structures would therefore be assessed further by Building Control.

In terms of the lack of detailed information within the application submission, this reflects the outline nature of the proposal. Drawings such as elevations and floorplans are not required at this stage, but will be assessed further within subsequent reserved matters proposals.

The other neighbour representations have been addressed within the assessment above.

Conclusion

The principle of residential development in this location is acceptable. The site is in a sustainable location, surrounded by residential properties. Although the loss of an existing larger dwellinghouse is discordant with the principle of Local Plan Policy H9, given the proposed uplift in the number of dwellinghouses and when taking into account the surrounding characteristics, this is acceptable in this instance. The benefits associated with the proposed housing supply are considered to outweigh the harm introduced by the loss of the existing dwellinghouse and its garden.

The development is proposed in outline, with only access and layout details being agreed at this stage. The development has been amended to address concerns raised by the Case Officer and local residents regarding the potential impact upon existing residential amenity. The amended layout addresses the concerns raised, with sufficient separation distances achieved in accordance with the adopted SPD, even taking into account the difference in land levels between the application site and neighbouring dwellings. Further concerns regarding overlooking and overshadowing would be assessed further once the scale and appearance of the proposed dwellings is provided.

The development would be in-keeping with the local building traditions and reflect the layout of the surrounding residential streets in terms of the siting and footprint size. Overall, the development would appear sympathetic to the street scene and surrounding area.

Additional ecology information has been provided during the course of the application, to address concerns raised by the Biodiversity Officer. The Highways DC Officer also has no objection to the proposed vehicular layout. The residential parking arrangements are suitable, along with the visibility/access onto High Street.

There are no outstanding consultee concerns subject to strict accordance with the conditions attached in relation to highways, drainage and ecology/BNG, as well as condition 24 which restricts Plot 3 and 4 to single storey scale. The appearance, landscaping and scale will be assessed further as part of future reserved matters applications. Overall, and taking into account the planning balance, the proposed development of 5x dwellings is acceptable.

RECOMMENDATION: Granted with 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:

- Additional ecology surveys;
- Amended layout to address amenity and highway issues;
- Additional supporting site sections.

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.

1. Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) scale of building(s)
- (c) the design and external appearance of the proposed development
- (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3. The development hereby approved shall be carried out strictly in accordance with the plans:
 - Proposed Site Plan, Drawing Ref: 23-097, Drawing Number: 01, Rev: F, Received: 22/7/2025

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

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

4. The Biodiversity Gain Plan shall be prepared in accordance with the Ecological documents submitted with the application: Biodiversity Net Gain Assessment by Liz Ecology reference: Final Report and dated: 28th August 2024.

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.

5. The development shall not commence until a Habitat Management and Monitoring Plan (the **HMMP**) prepared in accordance with the approved Biodiversity Gain Plan has been submitted to an approved by the Local Planning Authority. The HMMP shall include:
 - a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, and approved in writing by, the local planning authority.
 - f) A timetable for implementation and completion of creation and enhancement works.
 - g) Notice in writing shall be given to the Council within 10 working days of the implementation of the HMMP

- h) Notice in writing shall be given within 10 working days of the completion of the habitat creation and enhancement works as set out in the HMMP and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
- i) Thereafter the created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP] for a period of 30 years following the completion of the development.
Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Local Plan Policy BIO1 and Schedule 7A of the Town and Country Planning Act 1990.
6. Prior to the commencement of development, details of 'Reasonable Avoidance Measures' with regards to bats and hedgehog should be submitted to and approved in writing by the Local Planning Authority. Once agreed, the approved measures shall be adhered to at all times during site clearance and construction.
Reason: In the interests of biodiversity in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity, and the adopted Biodiversity and Geodiversity SPD.
7. Prior to the commencement of development, full foul and surface water drainage details shall be submitted to and approved in writing by the Local Planning Authority. The information shall include:
- Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways; and
 - Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways are all approved in writing by the Local Planning Authority.
- Once agreed, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the lifetime of the development.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3: Flood Risk.
8. Prior to the commencement of development, a dust management plan shall be submitted to and agreed in writing by Local Planning Authority. The plan shall specify how dust will be controlled/managed to minimise impact upon neighbouring residents during demolition and construction activities. Once approved the management plan shall be adhered to at all times.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.
9. Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - Means of access for construction traffic;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities, or other measures to prevent debris;
 - Details of the provision of an on-site water supply or water storage facility;
 - Measures to control the emission of dust and dirt during construction;
 - Measures to control noise emissions during construction;
 - Measures to prevent mud/debris being deposited on the public highway.

Once agreed, the approved Statement shall be adhered to throughout the period of engineering operations and construction.

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

10. Prior to the commencement of development, full details of both hard and soft landscaping works shall be submitted to and agreed in writing by the local planning authority. The landscaping scheme must include sufficient replacement planting on 1:1 ratio. The information 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 landscaping details shall be implemented prior to the occupation any dwelling.

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

11. Prior to the occupation of the development, the proposed accesses, driveways, on-site car parking and vehicle turning shall be laid out in accordance with the approved plan (Proposed Site Plan, Drawing Ref: 23-097, Drawing Number: 01, Rev: F, Received: 22/7/2025). Driveways and vehicle parking areas must be hard surfaced and drained into the site. Once implemented, the accesses and driveways must be maintained 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; 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.

12. Prior to the occupation of the development, photographic evidence to demonstrate that the following biodiversity mitigation and enhancement measures have been implemented shall be submitted to and agreed in writing by the local planning authority:

- 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.

Once agreed in writing, the features shall thereafter be permanently retained for the lifetime of the development.

Reason: In the interests of biodiversity in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity, and the adopted Biodiversity and Geodiversity SPD.

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

14. Prior to occupation of the development, vehicular sight lines (dimensions of 2.4m x 43m) shall be provided at the access junction with High Street, and there shall be no obstruction to visibility. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 1m which would obstruct the sight lines, and they shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

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

15. Prior to occupation of the development, the pedestrian visibility splays of 2m x 2m to the back edge of the footway shall be provided at the proposed access. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.6m to the rear of the footway which would obstruct the visibility splays. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety and in accordance with Local Plan Policy T4: New Development and Transport Safety.

16. Prior to the occupation of the development, arrangements for the future management and maintenance of proposed carriageways, footways, hard margins and landscaped areas (not put forward for adoption), shall be submitted to and approved in writing by the local planning authority.

Upon occupation, the areas shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained in the interests of the safety of persons using the site and users of the highway in accordance with Local Plan Policy T4: New Development and Transport Safety.

17. Prior to the occupation of the development, any redundant vehicular accesses shall be reinstated as kerb (and footway).

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

18. During construction or demolition works, activity 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: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.

19. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

20. There shall be no burning of any waste items including green waste on the application site at any time during demolition or construction.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.

21. The development shall be completed in accordance with the recommendations set out in the submitted BNG Report (Liz Ecology, dated: 28th August 2024) and Bat Report (Liz Ecology, dated: 6th May 2025). The recommendations shall be implemented in full according to the timescales laid out, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: In the interests of biodiversity in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity, and the adopted Biodiversity and Geodiversity SPD.

22. The gradient of areas for vehicular and pedestrian use shall not exceed 1 in 12.

Reason: In the interests of the safety of persons using the site access and individual accesses/driveways, and users of the highway in accordance with Local Plan Policy T4: New Development and Transport Safety.

23. The garages shall be used for the garaging of private motor vehicles and for private use incidental to the enjoyment of the dwellinghouse only for the lifetime of the development. The garages shall not for trade, business or any other purposes without agreement from the Local Planning Authority.

Reason: To ensure that the use of the site access is not intensified and that there are adequate parking facilities to serve the development in the interest of highway safety and in accordance with Local Plan Policy T4: New Development and Transport Safety.

24. The dwellinghouses at Plot 3 and Plot 4 (as indicated on site plan: Proposed Site Plan, Drawing Ref: 23-097, Drawing Number: 01, Rev: F, Received: 22/7/2025) shall be single storey in scale/height and have no living accommodation at a level higher than the ground floor including dormer windows for the lifetime of the development.

Reason: To protect existing residential amenity in accordance with Local Plan Policy GD1: General Development and the Design of Housing Development SPD.

25. 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, including the erection of garages or other outbuildings within rear gardens.

Reason: To ensure that the development remains in-keeping with the existing street scene in accordance with Local Plan Policy D1: High Quality Design and Place Making and the protection of existing residential amenity in accordance with Local Plan Policy GD1: General Development.

Informatives

1. If a bat or evidence of the presence of bats is discovered on site prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017.
2. The works should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.
3. If a protected species (such as any bat, great crested newt, badger, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild

Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

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 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 or call to 01226 773555
5. Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection. Street lighting design and installation is undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with the authorities Street Lighting Team, Tel 01226 770770. Email. Streetlightingdesign@barnsley.gov.uk as soon as possible.
6. No hoarding shall be erected on or within the extent of the public highway without the prior approval of the Local Highway Authority and the necessary licencing being obtained. Applications for licences can be made via: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/roadlicences/licences-for-scaffolding-and-hoardings/>
7. The applicant/contractor should note that to deposit mud/debris on the public highway, or anything which may cause a nuisance or possible danger to road users, is an offence under provisions of the Highways Act 1980.