

Application Reference Number:	2025/0166
Proposal Description:	Erection of 2no. dwellings and associated works
Location:	Land off Ben Bank Road (to the rear of Nos. 94, 96 and 98), Silkstone Common, Barnsley

Recommendation:

Approve subject to conditions.

Site Description

The site is located at Land off Ben Bank Road (Rear of 94 and 98), Silkstone Common, Barnsley. It is approximately 4.5 miles from Barnsley train station. The proposed plot of land has site area of 1612m² and is located on the north edge of Ben Bank Road. The site is located in Silkstone Common and lies within the metropolitan borough of Barnsley. The area is majorly made up of residential dwellings with a mix of semi-detached, detached and terraced styles.

Planning History

Application Reference	Description	Status
2013/0940	Erection of 1 no detached dwellinghouse (Plot 2).	Approved subject to conditions

Proposed Development

The applicant has proposed the erection of 2no. dwellings and associated works at the Land off Ben Bank Road (to the rear of Nos. 94, 96 and 98), Silkstone Common, Barnsley. This is off the back of a pre app that was submitted to the Council under 2024\ENQ\00271. The dwellings would have considerably large back gardens and off-street parking. The applicant has submitted supporting documentation in the form of ecology reports, Tree report, swept paths and imagery of the proposed development.

The 2 dwellings would consist of the following:

- 2 storeys
- Open Plan Kitchen/Dining to the rear

- 5no. Double Bedrooms
- Utility, Boots room and WC on ground floor connected to the garage and the main house Garden space connected directly to the kitchen
- lounge

Relevant Policies

The Development Plan

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

The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

- 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
- Silkstone Parish Neighbourhood Development Plan

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.

Consultations

Silkstone Parish Council – Have concerns in regard to the Trees and want to ensure that buildings have a correct biodiversity impact assessment to ensure the safety of the nearby woodland. They also have concerns on the design of the proposal. All of these issues will be addressed in the report.

Trees – No objections.

Highways – No objections, subject to conditions

Pollution Control – No objections subject to conditions:

Ecology – No objections, subject to conditions:

Drainage – No objections.

Coal Authority – No objections.

SYMAS – No objections.

Representations

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

Three letters have been received by members of the public in opposition to the scheme and have raised concerns with the following issues:

- Inconsistent plans
- Negative impact on environment
- Negative impact on parking provision and traffic
- Additional Noise

All of these issues are covered in the report below.

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 Silkstone Common boundary. 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 in terms of additions to the housing supply.

Design

The applicant submitted a pre app before submission of this application, the design officer was previously consulted upon. The design officer at the time concluded that the scheme was acceptable as it would conform with the areas style. The dwellings are 2 storey dwellings with off street parking, and the materials /design have been chosen to match those of properties in the area.

To ensure that the scheme complies with Local Plan Policy D1 High Quality Design and Place Making, a condition will be attached requiring details of the proposed materials agreed. Significant weight is given to this material consideration.

Residential Amenity

The proposed dwellings have large rear gardens and back onto a field and borders the greenbelt. However, it is not in the greenbelt it is within the urban fabric.

The plans provided by the applicant show that the dwellings are set away from the main road and this development is on a piece of land behind current houses but utilising an existing access which serves 92 Ben Bank Road. The new dwellings would not have any habitable windows facing the properties to the south and would be over 21m away from 92 Ben Bank Road. In addition the applicant has proposed keeping a number of the large mature trees and hedges to help shield neighbouring properties from the new development to ensure no overlooking takes place. Plot 2 would sit on a lower level to ensure that the scheme does not cause overlooking issues. The scheme would not infringe or break the separation distances required for homes or the 45-degree code.

Internally the room sizes meet or exceed the standards set in the South Yorkshire Residential Design Guide and the gardens to the rear are substantial in size and comfortably exceed the requirement for a minimum of 60 square metre back gardens. It is concluded that the proposed dwellings 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.

Contamination

The Council has consulted the Coal Authority as the application site falls within the defined Development High Risk Area. They have made the following comments in regard to the site. "Within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process. The records indicate that the site lies in an area where underground coal mining has taken place, including at shallow depth, and where further historic unrecorded shallow coal mining is likely to have occurred. Voids and broken ground associated with such workings can pose a risk to ground stability and public safety.

The applicant has submitted information in support of their application including a Phase 2 and 3 Geo-environmental & Coal Investigation Report (prepared by RGS). This report indicates that three boreholes were drilled to a maximum depth of 25m in order to investigate the shallow coal mining situation. Mining Remediation Authority Permit 29486 was issued to enable the drilling of these boreholes. The report indicates that three coal seams up to 1.5m thick were encountered during drilling. Despite loss of flush being encountered in one of the boreholes, it indicates that the horizons of all of the coal seams were proven to be intact at the borehole positions. Based on the results

of the investigations carried out the report comments 'it is considered that it is highly unlikely that shallow coal workings are present beneath or in close proximity to the area of the proposed development.' It goes on to conclude that 'In view of all the information obtained in this investigation, it is considered that there is a low risk of ground movement as a consequence of coal workings beneath the site.' As such, no remedial or mitigatory measures are proposed in respect of coal mining legacy.

The investigations have established the presence of coal seams of potentially workable thickness at depths which lie within influence distance of the surface. We assume that the report author is satisfied that the number and spread of boreholes drilled provides sufficient confidence to conclude that the identified seams are intact beneath the entire site (rather than representing intact pillars of coal in otherwise worked seams) and that no further works are required in this regard.

Therefore, the Coal authority therefore have no objections to the scheme"

SYMAS has also been consulted in regard to the mining legacy in the area and have no objections to the scheme.

The Council's Pollution Control Officer has been consulted upon and has raised no objections to the scheme in principle subject to the imposition of conditions.

Subject to the imposition of the conditions above and the information 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 CL1 Contaminated and Unstable Land and moderate weight is given to this material consideration.

Drainage

The applicant has submitted a drainage plan to the Council, and this has been examined by the Drainage Officer. The Drainage Officer has concluded that the information that the applicant has supplied is sufficient enough for them to be satisfied. The proposal is in compliance with Local Plan Policies and moderate weight is given to this material consideration.

Highways Safety

The Council's Highways Officer has been consulted upon on this application, and they have concluded that the scheme would have little to no detrimental impact on the highway safety. Therefore, they have no objections subject to the imposition of a suitably worded condition.

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.

Trees

The trees on site are located on the boundaries with the majority being still relatively small at present, however they do provide screening for the site and contribute to the aesthetics of the tree population of the area.

The development as proposed will require the removal of some relatively small specimens, namely T3, T4, G14 and part of H16, none of these are noteworthy specimens which would be considered a real constraint to the development. The landscaping proposed shows that four new individual trees will be planted along with a significant amount of new native hedgerow and on that basis there is no objection to the tree removal and replacement proposed.

The proposal will require significant works in close proximity to and in some instances just within the rooting areas and/or canopy spreads of the retained trees, including retaining walls etc. The arboricultural method statement provided does deal with the issues for the trees sufficiently to minimise the impacts on them and ensure their safe retention.

The Council's Tree Officer has no objections to the proposed development from an arboricultural perspective subject to the landscaping plan, the arboricultural method statement and tree protection plan being conditioned as documents to be complied with. The proposal is in compliance with Local Plan Policies and moderate weight is given to this material consideration.

Impact on Ecology/Biodiversity

The Council's Ecology Officer has been consulted upon this application, and they have made the following comments in regard to ecology/biodiversity. "A PEA, statutory metric and BNG summary has been provided to support the application. Unfortunately, site degradation occurred prior to an ecological appraisal being undertaken. As such, the ecologists have used a variety of methods to condition assess the main habitat on site, mixed scrub. Following a review of the information provided within the PEA, this is acceptable with the condition assessment of the mixed scrub, as aerial images indicate that site clearance has taken place over the past 10-15 years indicating that a variety of age types would likely not be present on the site. Bluebell bulbs, potentially native were located within the spoil mounds, indicating a potentially diverse ground flora within the area.

Changes to the post development habitats within the metric has been undertaken following the initial consultation with the Ecology Officer response and habitats within the boundaries of residential curtilages have been mapped as vegetated garden, which is in line with current metric guidance. The updated BNG assessment indicates that

there is a net loss of habitat units on site and to achieve a minimum 10% net gain 1.54 units are required. To achieve a 10% net gain in hedgerow units 0.01 units are required.

The BNG report indicates that the shortfall in units may be purchased from a habitat bank.

Bat and bird boxes are required as per the Biodiversity and Geodiversity SPD, alongside invertebrate boxes on trees. This can be secured via a suitably worded planning condition.

A CEMP-B has been submitted within the application; this includes measures to protect trees and hedgerows on site during the works and precautionary working methods to be adhered to during site clearance and construction to ensure no protected and/or priority species are injured and/or killed during the works.

The Council's Ecology Officer has concluded that they have no objections to the scheme subject to the suitable conditions

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.

Planning Balance and 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

Approve subject to conditions

Justification

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

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.