
2024/0259

Mr B Gibson

Erection of 5 no. dwellings with associated access, parking, landscaping and other infrastructure works

Land off Dodworth Green Road, Dodworth, Barnsley

Introduction

This application is for 5 detached dwellings at an existing residential rear garden. Additional information has been submitted during the assessment of the application in response to consultee comments, albeit this is not considered sufficient to address/overcome the outstanding concerns, and therefore permission is refused.

The site has a varied planning history. Application reference: 2022/0591 was withdrawn earlier this year due to outstanding highways issues associated with the proposed access onto Dodworth Green Road. That application (as well as lapsed permissions 2016/0268 and 2012/0797) included this site and land to the east and rear (extending to circa 1.8ha), hence the significant difference in dwelling numbers.

Site Location & Description

The application site is currently residential garden associated with the existing property at Hillside, which is included within the application boundary. The existing dwelling is a large, detached property accessed via a long private drive off Dodworth Green Road. The property is positioned perpendicular to the road, though set back by almost 30m.

The site extends to 0.3ha in size and consists of lawned grass and established trees/vegetation. Substantially sized trees are located along the western and south-western boundaries, which are protected by Tree Preservation Order (TPO) No: 7 (area of sycamore, chestnut, birch, poplar and willow). The eastern, and southern boundaries of the site also consist of dense trees/tree groups (though not protected) meaning the internal part of the site is screened.

A separate detached dwelling is located to the east of the site, Fieldhouse, which is also accessed via the private drive to the north. However, this property is not associated with the application site (though did form part of the previous applications). The garden for the adjacent property is extensive, wrapping around the east and south of the application site and extending southwards. The southern boundary of the that site is bound by a tree belt, which also includes tree protected as part of TPO No: 7.

A 3rd detached dwelling is located to the north of the site (Stonehurst) which sits within a smaller (but still generously) sized plot which includes landscaped gardens and large trees which are included within TPO No: 7. Further to the north is a playing field which is a protected Green Space (Dodworth Library) as per the adopted Local Plan.

The submitted site plan indicates that an existing surface water sewer runs through the south-western corner of the site. A watercourse runs to the south of the site along the southern boundary of the adjacent plot and through the tree belt. A separate TPO is located to the south-west of the site, within the Travellers Inn site (TPO No: 9).

The wider area is primarily residential in nature, though the application site and the two adjacent detached dwellings creates a distinctive green verge between Dodworth Green Road and the Trafford Walk estate. Other uses are within close proximity, including the Travellers Inn public house (Grade II listed) to the south and a church. Together, the low density housing and substantial sized plots creates a green and open character.

The majority of the site lies within a low-risk development area, as defined by the Coal Authority, though the northern and eastern part of the site (including the existing dwelling) falls within a high risk area.



Site History

2022/0591 - Residential development of 51 dwellings and associated works including means of access, parking, landscaping, drainage infrastructure, reconfiguration of the existing dwelling known as Hillside and demolition of domestic outbuildings, WITHDRAWN

2016/0268 - Residential development including means of access, GRANTED, 4/4/2018

2012/0797 - Erection of 51 no dwellings (Outline), GRANTED, 28/3/2013

2012/0162 - Residential development including means of access (Outline), WITHDRAWN

2008/1688 - Residential Development including means of access (Outline), REFUSE, 12/2/2009

B/03/0263/DO/TF - To take off all stubs back to branch collars to Horse Chestnut and Sycamore at Area A1 of Tree Preservation Order No. 7/1974, GRANTED, 9/4/2003

B/82/0586/DO - Planning permission granted on appeal by the Secretary of State for the Department of the Environment for an increase in height of the boundary wall fronting onto the pavement, HISTORIC, 7/7/1982

B/79/0522/DO - Erection of private double garage and extension to dwelling, HISTORIC, 5/4/1979

B/76/0711/DO - Erection of extension to dwelling, HISTORIC, 19/5/1976

Proposed Development

The application seeks full planning permission for the erection of 5x detached dwellings, including the formation of an access off Dodworth Green Road and associated landscaping works. The proposal has been amended during the course of the application. The initial proposal included 4x housetypes with Plot 1 and Plot 2 sited further west/closer to the protected trees. The application was amended following concerns raised by the Forestry Officer.

The amended proposal includes 3x housetypes finished in a mixture of brick and stone and varying between 2 storey and 2.5 storey. Plot 1 (Hovington) would have a detached single garage with driveway to the side, meanwhile Plots 2 – 5 would have an integral garage with parking to the front. Each property would have a private garden to the rear, with bin storage and paved path.

A central private drive would run west to east with a turning head at the most eastern point. Plots 2-5 would be positioned to the south of the drive with Plot 1 to the north, sited almost adjacent to the existing dwelling.

The existing residential garden for the host property would be reduced to circa 314sqm and wrap around the north-eastern edge of the private drive. Part of the existing stone wall on Dodworth Green Road would be removed to create the site access, as well as associated works to the protected trees. The western part of the site would provide informal open space, with landscaped gardens to the front of each dwelling.

Due to the presence of existing established trees across the site, in order to facilitate the development the following trees/groups of trees would need to be removed:

T2 – Category B

T22 – Category B

T29 – Category C

T30 – Category C

T31 – Category B

G3 – Category C

G4 – Category C

G23 – Category C

G28 – Category C



Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now 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 and 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.

Allocation/Designations

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

Part of the site lies within the high-risk development area as designated by the Coal Authority.

National Planning Policy Framework – December 2024

The National Planning Policy Framework (NPPF) was revised in December 2024, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

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

Barnsley Local Plan

The following Local Plan policies are relevant:

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 H6: Housing Mix and Efficient Use of Land

Policy H9: Protection of Existing Larger dwellings

Policy BIO1: Biodiversity & Geodiversity

Policy CL1: Contaminated and Unstable Land

Policy POLL1: Pollution Control and Protection

Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Parking, November 2019

Sustainable Travel, July 2022

Design of Housing Development, July 2023

Residential Amenity and the Siting of Buildings, May 2019

South Yorkshire Residential Design Guide, 2011

Biodiversity & Geodiversity, March 2024

Development on Land Affected by Contamination, November 2019

Trees and Hedgerows, May 2019

Consultations

Biodiversity Officer – Additional information has been provided to address previous concerns regarding the lack of sufficient surveys. No objection on this basis subject to conditions which would require the development to be completed in accordance with the recommendations in the addendum report; external lighting and the submission of a Construction Environmental Management Plan. It is also agreed that the application was submitted prior to BNG becoming mandatory thus does not apply.

Forestry Officer – **Objection** due to significant impact upon protected trees. Amended plans and additional driveway construction details have been received in response to initial concerns.

However, the amended scheme would still result in the loss of 5x Category B and C trees and 4x Category C tree groups which is strongly discouraged.

The development would significantly harm the rooting area of trees T8 and T9 which are protected by TPO No: 7 by virtue of the vehicular access installation. The rooting area would be covered by hard surfacing, with changes to the site levels proposed at either side of the existing boundary wall. This would severely impact the retained trees.

The proposed dwellings would be heavily overshadowed by the retained trees, particularly Plots 2 and 3, with all morning sunlight blocked at these proposed dwellings. This would result in severe pressure to prune or remove the retained trees once the proposed are occupied. In summary the development results in a significant impact upon trees.

Mining Remediation Authority – Initially objected due to insufficient information relating to the coal mining legacy of the site. However an updated survey has been provided and reviewed. No objection on this basis subject to conditions relating to further intrusive investigations.

South Yorkshire Mining Advisory Service – Initially objected/echoed Mining Remediation Authority concerns.

Pollution Control – Concerns raised regarding the proximity of the public house. A noise impact assessment was requested to support the application which has not been received.

Local Ward Councillors – Concerns raised regarding the density of the development and the size/position of the application site. The proposal would sterilise the potential for further development on the land to the south.

Conservation Officer – No objection, the proposed development would have minimal impact upon the setting of the nearby listed building.

Drainage – No objection subject to pre-commencement condition relating to drainage details.

Highways DC – Updated plans received which indicate that the required visibility at the site access can be achieved. No objection subject to proposed conditions.

Waste Management – No response.

Yorkshire Water – No objection subject to proposed condition.

Representations

This application has been advertised in accordance with the Development Management Procedure Order (DMPO) 2015, as follows:

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 7/5/2024

- Site Notice (public interest/affects setting of listed building) displayed adjacent to the site-consultation expiry date: 15/5/2024

2 neighbours have provided comments in objection to the development, the concerns raised are summarised:

- This development will sterilise land to the south of the application site;
- Development does not include affordable housing; education contributions or a mix of dwellings;
- Impact upon residential amenity;
- Insufficient separation distances;

The representations will be addressed below.

Assessment

Principle of Development

The site falls within urban fabric which has no specific land allocation. New buildings 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.

Local Plan Policy H9: Protection of Existing Larger Dwellings states that the development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

Paragraph 9.34 states that the Council will resist development in gardens of larger dwellings where this will have an adverse impact on the original dwelling and its continued function.

Whilst the area is residential in nature, this development would erode the existing garden of the host dwelling and appear contrary to prevailing character of the area which consists of large plots and spacious gardens. The development is therefore discordant with Local Plan Policy H9 and is not acceptable in principle. The impact upon the setting of the host dwelling and the garden is explained further in the sections below.

Impact Upon Trees

Policy GD1 states proposals for development will be approved if existing trees are to remain on site and are considered in order to avoid overshadowing.

Policy BIO1 states development will be expected to conserve and enhance the biodiversity and geological features by protecting ancient and veteran trees.

Paragraph 5.3 of the Trees and Hedgerow SPD (May 2019) states where trees are situated in close proximity to a proposed development a full tree survey is required. The survey should specify any works or pruning that is needed. Section 5.4 states that the submitted site plan must clearly indicate which trees are to be retained and which are to be removed.

Paragraph 6.1 states that the tree survey should inform the layout and design of the development and should ensure that higher category trees are retained. Plans which show the retention of high value trees too close to buildings or roads or will be affected by alterations in ground level will not be approved. The paragraph follows on to state '*Sometimes it can take several years for damage to a tree caused by development to be apparent, and in other cases future residents may wish to remove trees that are too close to their dwelling, for instance due to the overshadowing of windows or leaves dropping in gutters or on car parking areas. In considering planning applications, the Council will seek to avoid such long term problems arising as well as ensuring that the development does not lead to the unnecessary direct removal of trees and hedgerows.*'

Paragraph 6.2 states generally no buildings or works will be allowed within the root protection area of any tree which is proposed to be retained because works within the key rooting area of the tree could lead to lasting damage being caused. The laying of impervious surfaces to areas previously covered with grass or gravel within or in close proximity to the RPA can lead to lack of water for trees. This means care must be taken with the provision of roads and parking areas.

Paragraph 6.3 states intervening distances must be adequate to ensure that future residents will not feel unduly threatened in high winds and to ensure that falling branches are not likely to cause damage to property or danger to residents. This may require that in some cases buildings, garages and parking areas are located substantially beyond the canopy spreads of large trees.

The western and south-western boundaries are bound by large established trees which are protected under TPO No: 7. The TPO covers the group of category B and C trees which consist of Sycamore, Chestnut, Birch, Poplar and Willow species.

The proposal has been amended in attempt to address the Forestry Officer's concerns in relation to the impact upon existing trees. Initially, the proposal included the loss of the protected trees, though this has since been omitted from the application. Nevertheless, the development would result in the loss of the following trees/tree groups in order to facilitate the development:

T2 – Lawson Cypress – Category B

T22 – Silver Birch – Category B

T29 – Common Pear – Category C

T30 – Common Ash- Category C

T31 – Common Plum – Category B

G3 – Sycamore ,European Holly, Goat Willow, Elder, Rhododendron- Category C

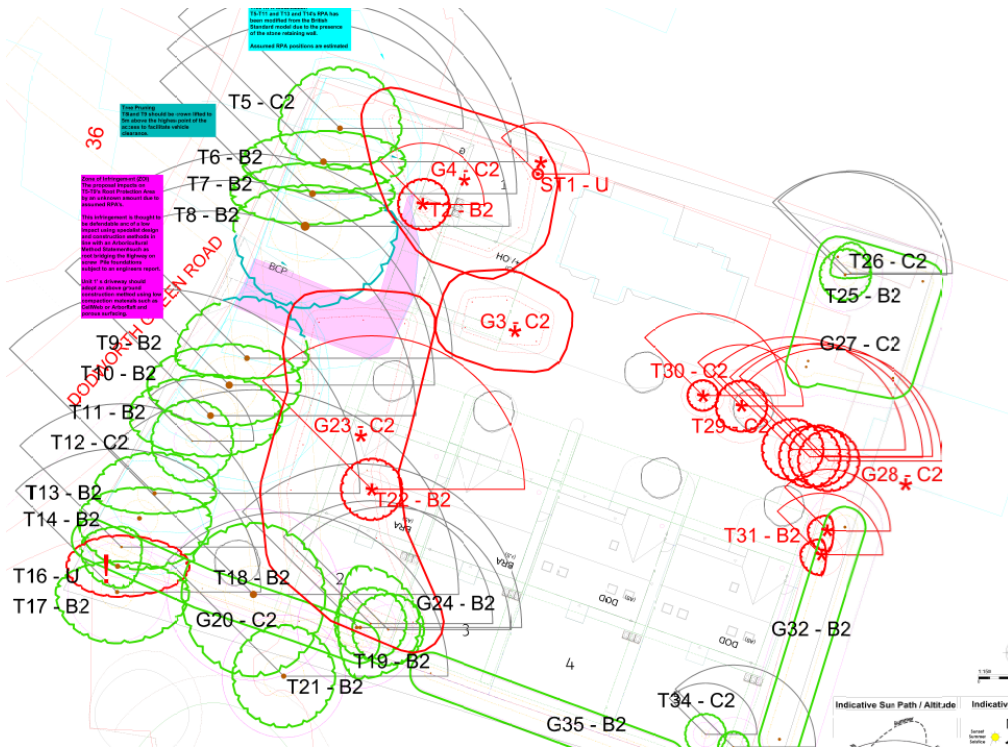
G4 - Sycamore ,European Holly, Elder, Rhododendron – Category C

G23 – Sycamore, Common Hawthorn, European Holly, Elder, Rhododendron- Category C

G28 - Sycamore, Common Ash – Category C

The submitted Arboricultural Impact Assessment (AIA) describes the loss of T2, T22 and T31 as the 'loss of good category trees' as well as comments that the works to G4 is the 'loss of a good

category group'. Although the list of trees to be removed may appear fairly brief, the 4x tree groups cover a large area and include an extensive number of individual trees. G23 in particular covers approximately 450sqm of tree coverage and consists of a considerable number of trees. Therefore, the actual number of individual trees to be removed is much more than the quantitative list above. The development includes clearing the vast majority of the internal site, with only the trees along the perimeter to be retained. This is more clearly shown on the AIA plan (removals in red).



The development includes creating a vehicular access between trees T8 and T9, both of which are protected category B horse chestnut species. Works to the trees involve lifting the crown to 5.2m to enable the vehicle access beneath. The extent of the canopy works is indicated on the AIA Plan above (indicated in blue).

Whilst it is recognised that there is a natural gap between the stems of the two trees, the proposed private drive would overlay the root protection area for both trees. The rooting area of T8 would be significantly impacted due to the private drive and then the driveway for Plot 1 wrapping around the canopy of the tree. The installation of tarmac surfacing (as shown on the materials plan) would impact water percolation and harm the health of the protected tree. This is strongly discouraged and is discordant with Paragraph 6.2 of the adopted trees and hedgerow SPD.

Additional information relating to the construction of the access has been provided (received: 25/11/2024) in attempt to alleviate the Forestry Officer's concerns, including details of the proposed 'Green Grid system'. However, it is still not clear whether this system would be suitable given the level differences between the existing highway and the proposed access. The Forestry Officer raised concerns early in the assessment regarding the alterations to the site levels which would be required to create the private drive and access. The footway along Dodsworth Green Road (to the west of the site boundary) is understood to be circa 1.5m higher than the application site. In order to create the road, retaining structures may be required which would cause further damage to the tree roots due to the compaction and weight of required materials.

The AIA Plan (included above) indicates the extent of the shadows created by the trees to be retained (grey lines). The plan demonstrates that the trees along the south-western corner of the site, including T18, T19, T21 and G24 in particular would severely impact Plots 2 and 3 in terms of overshadowing. The rear elevations of the proposed plots would be positioned to the north of those retained trees meaning overshadowing would impact the dwellings and gardens due to the sun path. The plan demonstrates that the entire rear elevation of both plots would be overshadowed, meaning insufficient natural light would serve the windows on this elevation which includes bedrooms 3 and 4 plus the study room. Additionally Plot 2's rear garden would be entirely overshadowed, whilst Plot 3's garden would also be significantly impacted.

The overshadowing impact in addition to the likely leaf loss during autumn months means future residents would be detrimentally impacted by the retention of those trees. Residents may also feel threatened during high winds due to the close proximity of the trees and the properties. Together, these future resident concerns would result in pressure for the trees to be heavily pruned or ultimately felled at a later date. The introduction of residential uses so close to the protected trees is not considered to be acceptable as it does not protect the trees in the long term and fails to accord with the objectives of the SPD.

In summary, whilst additional tree information has been submitted, this is not considered to address the Forestry Officer's concerns. The development would harmfully impact protected trees by virtue of the installation of the private drive, as well as add additional pressure to the retained trees due to proximity of residential properties/uses. The development would result in substantial tree loss in order to facilitate the development and would severely alter the appearance and character of the site. The development is therefore contrary to Local Plan Policy BIO1 and the adopted Trees and Hedgerow SPD.

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.

The proposed dwellings are large in size and scale and are considered to provide suitable internal accommodation which accords with the adopted space standards. The existing dwellinghouse at Hillside would be retained but the garden size significantly reduced to 314sqm (currently in excess of 3000sqm- see further assessment below).

The SPD requires back to back separation distances of 21m to prevent harmful overlooking of habitable room windows. Due to the parallel position of Plots 2 and 3, some partial overlooking between the rear elevation of the existing dwelling and the front elevation of those plots would occur, with a separation distance of 19-21m. However, given that is a front to back distance this is considered to be acceptable. The position of the private drive and proposed planting would also provide additional screening.

The proposed dwellings would have suitably sized rear gardens, ranging between circa 84sqm (Plot 1) and 154sqm (Plot 5). The size of the proposed private gardens therefore exceed the requirements of the SPD.

The occupier of the adjacent property – Fieldhouse, has suggested that overlooking would occur due to the position of Plot 5. There is a distance of circa 13m between the front elevation of Plot 5 and the rear elevation of Fieldhouse at the closest point. However, this is a diagonal distance, with no windows to directly face. Whilst partial overlooking could occur this is not considered to cause significant harm.

Nevertheless, whilst the proposed development achieves the relevant separation distances, this would not outweigh the harm introduced upon the future residents of Plots 2 and 3 by virtue of significant overshadowing caused by the retention and proximity of existing trees. As explained above, the residential amenity of future residents would be significantly impacted by overshadowing, with bedrooms 3 and 4 (plus study room) having insufficient levels on natural light due to the proximity of the retained trees. The outdoor garden space would also be heavily overshadowed. The development would therefore harm future residential amenity and is unacceptable in this regard.

The Environmental Health Officer also raised concerns regarding the potential impact of noise and disturbance caused by the nearby public house which is located circa 25m to the south-west. A noise impact assessment was requested but has not been submitted during the course of the application. On this basis, there is an outstanding concern relating to the impact upon residential amenity by virtue of noise and disturbance.

The amenity of future residents would be harmfully impacted by overshadowing and potential noise disturbance. The application is therefore discordant with Local Plan Policy GD1 and POLL1.

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.

Local Plan Policy H9 also refers to the impact upon the setting of original dwellings as a result of development within the curtilage.

The proposed development consists of 5x detached dwelling which includes 3 separate housetypes as follows:

Plot 1 – Hovington: 4 bedroom, 2.5storey, finished in stone

Plot 2 – Bramham: 4 bedroom, 2storey with integral garage, finished in stone
Plot 3- Bramham: 4 bedroom, 2storey with integral garage finished in brick
Plot 4 – Dodworth: 6 bedroom, 2.5 storey with integral garage, finished in brick
Plot 5 – Dodworth: 6 bedroom, 2.5 storey with integral garage, finished in brick

Whilst the proposed dwellings are large in size, the properties are not akin to the scale of the existing property. The host property along with the two adjacent properties (Fieldhouse and Stonehurst) together with their substantially sized gardens contribute to an open and spacious character within this part of Dodworth Green Road, which forms an established separation between Dodworth Green Road and Strafford Walk. This development would significantly reduce the size of the existing residential garden, eroding this established character. The substantial tree loss, as explained above, would also significantly alter the character of the site, making it appear urbanised and an abnormal contrast to the adjacent plots.

Although the proposed dwellings achieve the required garden sizes, the private gardens are significantly smaller than the adjacent plots, further adding to the lack of consistency. The proposed dwellings appear squeezed into the application site when compared to the immediately adjacent properties.

In summary, the proposed development does not reinforce or reflect the local characteristics and would appear as an overdevelopment when compared to the existing built form. Although appropriate separation distances/space standards can be achieved (as explained above), this does not outweigh the harm upon the character or appearance of the area. The development is therefore discordant with NPPF Paragraph 130 and Local Plan Policy D1 and Policy H9.

Highway Considerations

NPPF Paragraph 115 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 to state that 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.

Highways concerns was a significant issue during the assessment of the previous application with an outstanding objection being the primary reason that application ref: 2022/0591 was withdrawn. However, it is noted that this proposal is for a much-reduced scheme in comparison to the previous application.

The South Yorkshire Residential Design Guide Section 4.B.1.1.9 states that unadopted shared private drives may give access up to a maximum of 5 dwellings. On this basis, the principle of a

private drive rather than an adopted road (which was required to support the previous proposal) is considered to be acceptable. Additional plans have been provided to demonstrate that appropriate visibility can be achieved as well as sufficient turning space for a fire appliance.

The proposed layout provides an adequate number of residential parking spaces in accordance with the SPD. On this basis, the highways impacts are considered to be acceptable subject to conditions. Nevertheless, the formation of the private drive and the associated impact upon the protected trees is a significant concern as summarised above.

Impact Upon Biodiversity

NPPF Paragraph 180 states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity; minimising impacts on and providing net gains for biodiversity.

NPPF paragraph 185 states that proposals should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection of priority species.

NPPF Paragraph 186 states when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused.

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.

Paragraph 7.6 of the Biodiversity and Geodiversity SPD sets out the reports/surveys required to support planning applications. It states that the reports should evaluate the ecological quality of the proposal site and recommend appropriate/proportionate mitigation, enhancement measures or off-site compensation proposals.

Paragraph 7.7 states that surveys should be undertaken by competent persons with suitable qualifications and experience and carried out at an appropriate time within the year. Surveys should be undertaken using nationally recognised survey guidelines/methods.

Paragraph 7.8 states reference should be made to CIEEMs Guidelines to assess when submission of a Preliminary Ecological Appraisal/Preliminary Roost Assessment is sufficient or where an Ecological Impact Assessment would be required. Ecology reports should include detail on how development proposals have taken into consideration the mitigation hierarchy in order to avoid, mitigate, compensate and offset any negative ecological impacts.

Paragraph 5.9 of the Trees and Hedgerow SPD states where on-site trees or hedgerows contribute to either valuable bat commuting/ foraging habitat, and/or bat roost potential, the resource should be fully surveyed for its importance to bats following the current Bat Conservation Trust Survey Guidelines before any ecology report is submitted. This will not be conditioned as all UK bat species are so-called European Protected Species with a high level of protection.

The initial application submission included 2x reports, a preliminary ecological appraisal (May 2022) and an ecological impact assessment (January 2023). The agent stated that the submitted reports were associated with the previous withdrawn application and confirmed that updated surveys had not been undertaken in connection with this application and/or the smaller site area. The Biodiversity Officer at this point stated that the submitted reports were out of date, as per the CIEEM advice note and therefore insufficient.

In follow up to this, an updated Ecology Addendum Report has been received and reviewed by the Biodiversity Officer. The Officer considers that this report is acceptable and overcomes the previous concerns. The report sets out various recommendations including the soft felling of trees with bat roost potential; installation of bat and bird boxes on retained trees; staged removal of vegetation; tool box talk and hedgehog highways (signposted to prevent residents blocking gaps) within all boundary fences. Though additional information relating to lighting and a Construction Environmental Management Plan - Biodiversity (CEMP-B) would be required via a condition. In summary, there is no objection in regard to the impact upon ecological habitats or species.

The Biodiversity Officer also acknowledges that the application was submitted prior to BNG becoming mandatory on small sites and therefore does not apply in this instance.

Coal Mining Impacts

NPPF Paragraph 189 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. This includes risks arising from former activities such as mining and any proposals for land remediation. Planning decisions should ensure that adequate site investigations information is available to inform assessments.

Paragraph 190 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Local Plan Policy CL1 states that development which would be affected by land stability issues must be accompanied by a report which shows that investigations have been carried out to work out the nature and extend of the issues and possible effect it may have on the development and its future users. The report shall set out detailed measures to allow the development to go ahead safely including addressing the land stability issues resulting from former coal mining activities.

The northern part of the application site is located in a high-risk development area as defined by the Mining Remediation Authority mapping. The Mining Remediation Authority records also indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered, including shallow coal mine workings, voids and broken/disturbed ground. On this basis both the Mining Remediation Authority and the South Yorkshire Mining Advisory Service (SYMAS) have reviewed the application submission.

Proposed Plot 1 would partially fall within the high-risk development area as well as the eastern part of the private drive. The initial application submission included a letter/statement from Lithos Consulting (dated: 5/10/2022) which primarily related to the consultation responses received during the previous application. An additional report (known as Consultants Coal Mining Report) was then received on 6th September 2024. Both the Coal Authority and SYMAS confirmed that

neither of these documents were sufficient as they failed to include up to date coal mining information; consider the wider coal mining legacy issues and did not provide an assessment of the risks to the proposed development.

However, an updated Coal Mining Risk Assessment (Sirius Geotechnical, dated: 15/11/2024) was submitted and shared with the Mining Remediation Authority and SYMAS. The Mining Remediation Authority have confirmed that this is acceptable and recognises the stability risks posed by both actual and potential shallow coalmine workings underlying the site. The Mining Remediation Authority have therefore removed their objection based on further intrusive site investigations being carried out prior to the commencement of any development. The updated report was also shared with SYMAS who have not provided a formal response to this latest report and it is therefore assumed that the same comments apply.

Drainage/Flood Risk

NPPF Paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided.

Paragraph 166 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.

Both Yorkshire Water and the Council's internal drainage department have reviewed the application submission and raised no objection subject to relevant conditions being attached.

Representations

It is noted that both neighbours and Local Ward Cllrs have raised concerns regarding the density of the development and the fact that the surrounding/wider land has been excluded from the application site. The Local Planning Authority must assess the application as submitted. Whilst piecemeal development is generally discouraged, given that this site is not an adopted housing allocation, it would be unreasonable for the LPA to request that additional, privately owned land is included within the application site.

Whilst the development of circa 50 dwellings has previously been considered acceptable at this site and the wider area, permissions references: 2016/0268 and 2012/0797 were granted prior to the adoption of the Local Plan and relevant SPDs. These permissions have now lapsed and the most recent application (ref: 2022/0591) was discouraged (and subsequently withdrawn) due to failing to accord with up-to-date policies and guidance.

In terms of other contributions/ obligations, the relevant trigger points have not been reached by this proposal. Local Plan Policy H7 states that affordable housing provision is required on developments of 15+ dwellings, whilst a financial contribution towards schools is required on schemes of 10+ dwellings, as stated in the relevant SPD. Given that this development is for 5 dwellings, none of these contributions would be required.

It is noted that the proposed development does not include an obvious mix of house size, albeit the 3x housetypes proposed are slightly different. However, as this proposal is only a small-scale housing development, a mix of housetypes is not considered to be necessary.

Conclusion

Although the application site is within close proximity to other residential dwellings, the principle of further housing development is not considered to be acceptable at this site. The development would significantly reduce the size of the existing garden, adversely impacting the setting of the host dwelling, which is discordant with Local Plan Policy H9 and its supporting text. The proposal would erode the spacious and green character which the site contributes towards, and the host dwelling would lose its extensive garden, which is characteristic of the area. This is further emphasised by the proposed tree loss and urbanisation of the site.

The development would have a severe impact upon protected trees by virtue of the private drive installation and the harm this would cause upon the rooting areas of T8 and T9. Additionally, the development requires a substantial number of trees to be removed which is strongly discouraged and would significantly alter the appearance and character of the site. Future residents would be severely impacted by harmful overshadowing from the retained trees which would add pressure for additional tree loss in the future.

Overall, the application proposal is unacceptable in terms of the impact upon trees; character of the area and the residential amenity and is therefore recommended for refusal.

Recommendation

Refuse.