

Application reference number	2025/0775
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Application Type	Full planning permission
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Proposal Description:	Development of 4 residential dwellings, landscaping and associated infrastructure
Location:	Land to the East of Bank View, Bower Hill Road, Oxspring, Barnsley

Applicant	Yorkshire Land Ltd
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Number of Third Party Reps	12	Parish:	Oxspring
		Ward:	Penistone East

SUMMARY

The proposal seeks full planning permission for the erection of 4 dwellings with landscaping and associated infrastructure within the Green Belt adjacent to Oxspring. The proposal is considered to be acceptable in policy terms. The site is considered to be grey belt. The proposal is considered to be in accordance with policy in the National Planning Policy Framework which sets out when the development of homes in the Green Belt should be considered acceptable. It is therefore considered to be an acceptable and sustainable form of development in line with the Local Plan, Oxspring Neighbourhood Plan and the National Planning Policy Framework (NPPF).

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to visual amenity, neighbouring properties, the highway network, trees and biodiversity, flood and drainage issues or contaminated land/unstable land issues, subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**

Introduction

- The proposed development is for four houses with landscaping and associated infrastructure
- The application site is Green Belt
- The application has been amended during the course of the application to address highway safety, design and biodiversity issues.

Site Description

The site is located on the edge of Oxspring village. It is bound to the north by Bower Dell greenspace/riverside picnic area; to the east by Green Belt; to the south by two detached dwellings and the Smithy Arms public house; and to the west by Bank View with terraced and semi-detached dwellings on the opposite side of the road. The dwellings in the vicinity of the application site are predominantly stone built with slate roofs.

Proposal

The proposal is to construct four dwellings, all five bed detached dwellings. The two house type A houses have a detached double garage and have a floor area of 2502 sq. ft and meet the accessibility standard, the other two house type B houses have internal garaging for two cars and have a floor area of 2550 sq. ft.

The applicant has submitted in support of the application a Planning, Design and Access Statement; Ecology surveys (amended); a Ground Investigation report; a Noise report, Drainage reports; a Grey Belt Review; a Highways Technical Note and an Arboricultural Report.

Proposed site plan





Relevant Site History

Application Reference	Application description	Status
B/98/0998	Regrading of land levels and landscaping	Granted
B/97/1260/PR	Formation of pond and associated landscaping	Refused

Policy Context

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

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

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

Local Plan

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

- SD1 – Presumption in Favour of Sustainable Development
- GD1 – General Development
- LG2 – The Location of Growth

H4 = Residential Development on Small Non-allocated Sites
T3 – New Development and Sustainable Travel
T4 – New Development and Transport Safety
D1 – High Quality Design and Place Making
BIO1 – Biodiversity and Geodiversity
GB1 – Protection of the Green Belt
CC3 – Flood Risk
CL1 -Contaminated and Unstable Land
Poll 1 – Pollution Control and Protection
I1 – Infrastructure and Planning Obligations

Oxspring Neighbourhood Plan

The following policies are considered to be relevant to this application.

OEN1 Protecting and Enhancing Natural Biodiversity Assets and Green Infrastructure.
OEN3 Planning for Climate Change
OEN4 Landscape and Building Design Guidelines for New Development

Adopted Supplementary Planning Documents relevant to this application:

SPD Parking
SPD – Design of Housing Development.
SPD – Sustainable Travel
SPD- Biodiversity and Geodiversity
SPD – Development on land affected by contamination

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraph 115 - In assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking into account the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity or congestion) , or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

Paragraph 116 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 131 – 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

Paragraph 135 – planning decisions should ensure that developments function well, add to the overall quality of the area, are visually attractive as a result of good architecture, layout

and appropriate and effective landscaping, are sympathetic to local character, establish a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible places that promote health and well-being.

Paragraph 136 – trees make an important contribution to the character and quality of urban environments. Planning policies and decision should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

Paragraph 139 – development that is not well designed should be refused. Conversely, significant weight should be given to development which reflects local design policies and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area

Paragraph 148 – Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations.

Paragraph 153 – Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Paragraph 155 – Development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where the development would use grey belt and not fundamentally the purposes of the remaining Green Belt; there is demonstrable need for the development proposed; the development would be in a sustainable location; and where major housing development is proposed it meets the Golden Rules set out in paras 156-7

Relevant Consultations:

Biodiversity- Initial comments recommended that the application is deferred to allow further and amended information to be submitted. On submission of further information the final comments confirmed that the amended information addresses previous concerns and that there are no objections to the application subject to conditions

Environment Agency – confirmed that they don't comment on surface water flood risk, this is matter for the Lead Local Flood Authority/ the local authority flood risk/drainage team.

Drainage - no objections subject to conditions.

Forestry Officer – no comments received formally but informal advice given to the applicant about the relationship with off-site trees.

Highways DC – Initially objected that the scale of development and the proposed access arrangements raises significant highway concerns, relating to the position of the access in close proximity to the junction with Roughbirchworth Lane, a field access and the access to a public house; and that the narrow carriageways, lack of footway provision on Bower Hill, substandard pedestrian routes in the vicinity and the lack of convenient access to public transport facilities or local amenities and inherently unsustainable location for the proposed development. On submission of further information the final comments in response to the Highways Technical Note confirmed that there are no objections subject to the provision of a short section of footway outside the application site to be secured by planning condition, and further conditions relating to survey and repair of the highway; surfacing of those parts of the site to be used by vehicles; and requiring road safety audits.

Mining Remediation Authority (formerly The Coal Authority) – no objections

Oxspring Parish Council – object very strongly for a number of reasons:

- The land has been scraped (submit photos of this from July 2025) and nine mature trees have been felled
- The PEA states there was a significant lack of floral diversity and that it is unlikely to support important assemblages and invertebrates. Historically there were protected species habitats on site, but the site has been scraped of all flora/habitats.
- This land is not previously developed, it is still classified as green belt. As this application is a deviation from the Local Plan, the Parish Council requests that this application is considered by Planning Board following a site visit and not under delegated powers.
- Argue that there is space to fulfil the Biodiversity Net Gain requirement onsite.
- Development is close to the Grade II listed River Don Bridge, an assessment is required to mitigate the impact on this heritage asset, and we would suggest that CPRE is consulted.
- Concern about the ecological impact, the ecology and the landscape of Bower Dell and note that the arboricultural report refers to need to cut back trees on Oxspring Parish Council land – no work should be undertaken without explicit approval from the Parish Council.
- Regarding a demonstrated need for further development in the village, there are two building developments in progress which are proving difficult to sell and a third site recently approved to the rear of Millstones (in total 37 homes permitted since the inception of the Neighbourhood Plan). We don't believe more 5 bedroom houses are needed in the village.
- The development will have a negative impact on the character of the local area, particularly the picnic area of Bower Dell.
- Road traffic access will be problematic given the location of the access almost directly opposite the junction of Lower Roughbitchworth and Bower Hill, there is no footpath on the roadside of the development and parking issues at the bottom of Lower Roughbitchworth. There doesn't appear to be enough room on the vehicle swept path analysis for larger vehicles such as waste disposal vehicles to get in and out of the site.
- Flood risk – the site is on flood plain and there is a culvert under the application site which receives water from the Trans Pennine Trail and above and discharges into a stream in the Bower Dell picnic area. The picnic area is frequently flooded (photographs were attached to the consultation response) and we believe that decreasing the amount of land where water can drain away on the proposed site will only exacerbate flooding on Bower Dell.
- Disagree with the drainage note assertion that surface water flood risk on site is from runoff generated on-site ponding at the topographic low point and not from off-site flows. Assert that surface water flood risk is from the Trans Pennine Trail and above (attach photographs of flooding at the side of the Sheffield Road playing field and across Sheffield Road and the application site).
- Concerned that re-routing the existing culvert and feeding it into an attenuation tank will have unknown implications for drainage/flooding on Bower Dell picnic area.
- Concerned that the drainage note describes Bower Dell picnic area as a grassed field surrounded by woodland, which does not reflect the importance of the site to the village.

Pollution control – No objection subject to conditions and informative.

South Yorkshire Mining Advisory Service – no objections

Urban Design Officer – Initial comments recommended that the application be deferred for amends/further information in relation to design and detail. On

- Final comments in response to the amended plans confirmed no objections subject to conditions.

Yorkshire Water – no objection subject to conditions.

Ward Councillors – Councillor Roberts objects on Highways and Safety; Biodiversity and Environmental Management; Ecology and Design and to the Ecological Survey.

Representations

Neighbour notification letters were sent to eleven surrounding properties and a site notice was placed nearby.

Twelve representations were received which raised the following material planning issues:

- How many **more houses** and buildings are going to keep sneaking into Oxspring, other developments are proving difficult to sell, questions the need for more housing.
- That is **natural land** that should be left untouched, development is ruining this villages appeal and space and will harm the character of area
- Next to a public house likely to lead to **noise** complaints from new residents; and additional vehicle movements will cause noise for existing residents.
- **Design** not in keeping with the aesthetic of the local area
- Impact on the **character** of the area from urbanisation of an undeveloped site.
- Impact on **residential amenity** including **loss of natural light** to nearby houses, blocking daylight, **loss of outlook and privacy**
- **Loss of biodiversity**, impact on wildlife/local environment that use the site, including from action of developer to scrape the site and fell nine mature trees, contrary to national and local policies for the protection and enhancement of natural habitats.
- Dispute **PEA** assertion that the site has been regularly treated with weed killer and annual flailing, this has only been done recently
- **Lack of transport impact assessment** and highway improvements required to address **highway safety** and impact on parking for existing residents
- **Flood risk and watercourse impact** – site lies within active floodplain where significant flooding witnessed; risk of increased flood risk to new and existing homes and to Bower Dell and relying on an existing culvert for drainage could increase flood risk to neighbours and the surrounding area
- Disturbance of existing **culverts** (both as shown on the plan and another not noted on the plans) and impact on natural streams and springs flowing through the area.
- Loss of **green belt** including impact of development on air quality and conflict with NPPF and local plan green belt policy
- **Impact on essential infrastructure** including water supply, sewer/drainage systems, electrical grid, roads and emergency services, healthcare and schools,
- Loss of **green space**
- Responsible planning means using **brownfield sites first**
- Impact on **Grade II listed bridge**
- Site is next to **Bower Dell** where well established boundary hedgerows and trees will not be removed by the Parish
- Concern in relation to the implications of the **Phase 1 investigation** and the affect on neighbours in terms of stability and surface water run off

The following matters were also raised, however these are not material planning considerations and as such are afforded no weight:

- Loss of well-used **picnic site** (the objector has confused the application site with the adjacent Bower Dell picnic site)

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Assessment

The main issues for consideration are as follows:

- The acceptability of residential development
- Residential amenity
- The impact on the existing trees
- The impact on the ecology of the site
- The impact on the character of the area
- The impact on the highway network and highways standards
- Flooding and Drainage issues
- Contamination
- Site stability
- Other issues

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 site is on the edge of Oxspring village but within the Green Belt. National and local Green Belt policy indicates that new buildings are inappropriate development and should not be approved unless one of the specified exceptions applies, or very special circumstances are demonstrated that clearly outweigh the Green Belt and other harm. One of the specified exceptions is development that would utilise grey belt land, subject to criteria set out in the NPPF.

It is first necessary to determine if the application site is grey belt. This is defined in the NPPF as:

- land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

Firstly, this definition establishes that land does not have to be previously developed in order to be grey belt. In this instance, the application site is not considered to be previously developed.

Secondly, it is necessary to establish if the land contributes strongly to any of the three specified Green Belt purposes. These purposes are:

a) to check the unrestricted sprawl of large built-up areas;

- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns;

Planning practice guidance makes clear that villages are not large built up areas. Oxspring is a village and not a town, and it is not a historic town.

It is concluded therefore that the land cannot contribute strongly to any of these three purposes.

Thirdly, it is necessary to consider whether the application of the policies relating to 'footnote 7' assets would provide a strong reason for refusal. The list of assets includes habitats sites such as Special Protection Areas, Special Areas of Protection and Sites of Special Scientific Interest; Local Green Space; National Landscapes (formerly AONB); National Parks; Irreplaceable habitats (such as ancient woodland) and areas at risk of flooding.

None of these types of assets would provide a strong reason for refusal. The site includes an area of surface water flooding that reflects the creation of a pond on the site and abuts an area of land at risk of flooding, this issue is dealt with below. The site is over 70 metres from the Grade II listed bridge over the River Don which is within the landscaped Bower Dell. Accordingly, and for reasons set out in the report below, it is concluded that neither of these assets would provide a strong reason for refusal.

It is concluded therefore that the site is grey belt. It is necessary to consider whether the development of the site would meet the criteria set out in paragraph 155 of the NPPF which states:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

Having established that the site is grey belt, it is necessary to consider whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The grey belt assessment has considered purposes a, b and d of the Green Belt. Purpose c is 'to assist in safeguarding the countryside from encroachment'. It is considered that the application site does assist in safeguarding the countryside from encroachment as the site is undeveloped, but as the site is of a modest size, the encroachment is limited. Purpose e is 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'. It is considered that the modest size of the site makes a limited contribution towards assisting in urban regeneration. Planning practice guidance advises that authorities should consider whether, or the extent to which, the development of the Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. It is concluded that the proposal would not affect the ability of the Green Belt across the area of the plan to serve all five Green Belt purposes in a meaningful way. Criteria a is therefore met.

Barnsley cannot currently demonstrate a five year housing land supply (including the buffer required because of our most recent housing delivery test result) and accordingly there is a demonstrable unmet need for housing and the criteria b is met.

The development is on the edge of a village which is recognised in the Local Plan settlement hierarchy and in Local Plan policy LG2 as a focus for, albeit limited, growth. The village enjoys the benefits of services and facilities including a shop and post office, public house, primary school, church, green space and bus service, which can all be accessed on public footpaths on street-lit roads. It is concluded that the development would be in a sustainable location and criteria c is met.

Criteria d relates to major development involving the provision of housing and is not applicable to this proposal as it is not major development.

It is concluded that the development meets the criteria of paragraph 155 of the NPPF and that the proposal is appropriate development in the Green Belt. The NPPF is clear that if development is considered to be not inappropriate development on grey belt, it is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

Local plan policy GB1 indicates that Green Belt will be protected from inappropriate development in accordance with national planning policy. The assessment above indicates that the proposal is not inappropriate development and therefore the proposal complies with this policy.

The development would be in a sustainable location as it is immediately next to a village included in the Local Plan settlement hierarchy and in Local Plan policy LG2 as a focus for growth; and the village enjoys the benefits of appropriate services and facilities.

Local Plan policy H4 indicates that residential development of sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan.

It is concluded that the proposed development is in accordance with national and local planning policy relating to the principle of development. and substantial weight is given to this material consideration.

Residential Amenity

The application site is located in close proximity to a public house and its beer garden and a Noise Impact Assessment has been submitted in support of the application. This recommends a number of measures to mitigate the impact of the public house on the proposed development including sound insulation, mechanical extract ventilation and the provision of an acoustic fence on the southern boundary of plot 1 and to the east of the public house. Subject to conditions to ensure that these measures are implemented and retained, as advised by Pollution Control, it is considered that the amenity of new residents will not be adversely affected by the existing public house.

The impact on the proposed dwellings on the residential amenity of local residents is subject to objection from local residents. The proposal is relatively small scale development of four houses which is not out of scale with the character of the area and for this reason it is not considered that noise from vehicles using the development would cause unreasonable noise or disturbance to local residents. The proposed layout secures appropriate separation distances to the neighbouring dwellings in accordance with the guidance in the SPD Design of Housing Development. It is concluded that the proposal will not have an unreasonable

impact on the amenity of neighbours by reason of increased noise or loss of privacy, outlook or light

The application confirms that the two of the dwellings will meet the accessible and adaptable standards set out in building regulations (and as required by the SPD 'Design of Housing Development') and a condition is recommended to secure this.

Further conditions are recommended by Pollution control to control hours of work/delivery and to restrict burning on the site during construction.

Subject to the recommended conditions it is considered that the proposal adequately addresses residential amenity issues and is in compliance with Local Plan policies GD1 and Poll1 and moderate weight is given to this material consideration.

Impact on Trees

A number of trees have been removed from the site before the planning application was submitted. The relationship of the proposed development with the remaining trees shown on the amended proposed layout plan is considered to be acceptable. The amendment has included moving the house on plot 4 slightly further away from offsite trees on Bower Dell to reduce the incidence of pruning (works to trees that overhang the boundary would not need the consent of the tree owner). The submitted arboricultural report recommends the installation of tree protection fencing for the duration of the development process and the submission of an Arboricultural Method Statement detailing construction methods close to trees. Subject to these conditions it is concluded that proposal adequately addresses the relationship with trees on and adjacent to the site and is in compliance with the requirements of Local Plan policies GD1 and D1 and moderate weight is given to this material consideration.

Impact on the ecology of the site.

The application has been amended to address the concerns of the Council's Ecologist regarding the baseline biodiversity . The proposal includes some landscaping such as tree and native shrub planting but due to loss of habitats to areas of development and vegetated gardens, a 10% gain in biodiversity cannot be achieved on site. The biodiversity net gain assessment indicates that there will be a loss of -3.43 habitat units (-82.12%). The applicant will have to set out how a 10% gain will be achieved when submitting the Biodiversity Gain Plan to discharge the Biodiversity Gain condition; this will either be through off-site habitat proposals or the purchase of units from a habitat bank. Ideally units would be purchased from a habitat bank within the Barnsley LPA boundary, if this is the chosen route. Conditions are recommended requiring the development to be completed in line with the Preliminary Ecological Appraisal recommendations and requiring a Biodiversity Enhancement Management Plan which include a requirement to incorporate integral bird and bat boxes, hedgehog access points (including to be provided in any new fencing) and herptile features.

While it is unfortunate that the site has been scraped and trees removed felled shortly before the application was submitted , their existence is taken into account in the biodiversity gain plan which requires a 10% gain. Councillor Roberts and the Parish Council suggest that there is room to fulfil the biodiversity net gain onsite but guidance indicates that the value of habitats in gardens is low (or non-existent in relation to any new planting); and in addition, establishing net gain areas in domestic gardens would create difficulties in relation to the required 30 year management plan.

It is concluded that subject to the recommended conditions (and the statutory biodiversity net gain conditions and associated informatives) the proposal is acceptable and in compliance

with Local Plan policy BIO1 and Oxspring Neighbourhood Plan policy OEN1 and significant weight is given to this material consideration.

Visual amenity

The application site is largely contained by residential and commercial development to the south and west and by the Bower Dell greenspace/riverside picnic area to the north. To the east, the site is bound by a stone wall and beyond agricultural land which is also Green Belt. The development would have a relatively limited impact on the character of the wider area and the design has been amended to secure improved details including the use of natural facing stone and roofing slate. This is a high quality proposal and the design of the scheme is considered appropriate and acceptable, subject to conditions including to secure an acceptable natural stone and natural slate on the dwellings; full details of soft and hard landscaping including the specified hedging on east, south and west boundaries; full details of boundary treatments; and to remove permitted development for fences on the west/countryside boundary. Subject to these conditions, the proposal is considered to be in accordance with Local Plan policies GD1 and D1 and Oxspring Neighbourhood Plan policy OEN4 and moderate weight in favour of the proposal attaches to this material consideration.

Highway Safety

In response to concerns set out by the Highway Engineer, the applicant submitted a Highways Technical Note which concluded that the likely incidence of conflict between turning movements from the access proposed and the junction opposite is not considered to represent a significant highways safety risk. It also proposed a new section of footway to the right of the proposed access and noted the proximity of bus stops, school, shops and other facilities and that a number of other applications in the vicinity which were not subject to an in principle unsustainable location objection. The Note concludes that the proposed development is acceptable in highways terms and in line with the NPPF. The Highways Engineer has accepted the submission, and recommended that the application is approved subject to a condition requiring the provision of a short section of footway outside the application site to be secured by planning condition, and further conditions relating to survey and repair of the highway; surfacing of those parts of the site to be used by vehicles; and requiring road safety audits. In addition, informatives are recommended relating to carrying out works on the highway, the fees associated with the condition survey and the requirement for road safety audits.

Councillor Roberts has expressed concerns about the internal layout of the site but this has been accepted by the Highway Engineer. He further expresses concern about the lack of safe pedestrian routes from the site – as indicated above, this has been addressed in amendments to the proposal.

Subject to these conditions and informatives it is concluded that the proposal is acceptable and in compliance with Local Plan policies T3 and T4. Moderate weight in favour of the proposal attaches to this material consideration.

Drainage

The submitted drainage details propose separate systems of drainage on site and off site with foul water discharged to the public sewer and surface water discharged via an attenuation tank to a culverted watercourse which runs under the site and will be diverted (but still under the application site) to reflect the proposed development and ensure that the required easement is retained. Yorkshire Water advise that they have no objections to the proposed drainage details subject to a condition that the proposed details are implemented. The Council's Drainage Engineer advises that there are no objections to the proposal

subject to conditions that full drainage details are approved before development commences and to secure an easement to the culvert under the site.

Councillor Roberts raises concerns that there is no treatment or filtration of the surface water discharge; that the surface water drainage system will be maintained by a private management company but there is no planning condition to ensure its long term operation or enforce maintenance. It is confirmed that the submitted details do include reference to the use of trapped gullies to remove solids etc before surface water leaves the site and that surface water drainage system management conditions are normally only applied to major developments.

A neighbour has raised the specific concern that they have a natural culvert/spring which runs from their property on to the application site. They have sought assurances that the developer will undertake all works necessary to prevent the development from interfering with the natural water flow to the satisfaction of themselves and the Council. The applicant's agent has confirmed that the landowner/development will adhere to any/all legal requirements associated with the development of the application site; and noted that a drain from a single property is a legal/property/land ownership matter and not a planning matter; but also noted that the matter can be dealt with when on-site by simply diverting anything found into the new drainage system. The Council's Drainage Engineer has agreed with this approach and the suggestion that an informative could be placed on the decision notice to ensure that this issue is addressed when the condition requiring full drainage details is discharged.

It is concluded that the proposed drainage details are acceptable subject to the recommended conditions and informative and limited weight in favour of the scheme is given to this material consideration.

Contamination

The submitted Phase 1 Geo-technical and Geo-environmental site investigation report indicates that an intrusive ground investigation is required. Pollution control advises that there are no contaminated land objections subject to a condition requiring such an investigation and submission of a verification report on completion of the remediation. Subject to this condition, it is considered that the development is in compliance with the requirements of Local Plan Policy CL1 Contaminated and Unstable Land and limited weight in favour of the proposal is given to this material consideration.

Site stability

SYMAS agree with the submitted coal mining risk report which concludes that no further works are necessary due to the site having low risks from the coal mining legacy aspect. They recommend only an informative if permission is granted.

The Mining Remediation Authority (formerly the Coal Authority) clarify that while the site falls within the defined Development High Risk Area, the submitted Phase 1 Site investigation report confirms that the nearby coal seam outcrop will not underly the site at shallow depth and the site is considered to be safe and stable. They confirm that on this basis they have no objection. Limited weight is given to this material consideration.

Any Other Material Planning Considerations

Other issues raised including the impact on air quality and on essential infrastructure are not supported by any evidence.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is located in the Green Belt on a piece of land that meets the NPPF definition of grey belt and the proposal is in accordance with the NPPF policy relation to grey belt. The proposal is located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs substantially in favour of the application. Amendments have been undertaken to address design, highway safety and ecology concerns. Significant weight is given to the biodiversity benefits of the proposal. Moderate weight has been given to the provision of an acceptable relationship with local residents, the relationship with trees, the visual amenity of proposed development and the impact on highway safety. Limited weight has been given to the proposed drainage arrangements and site stability issues.

It is concluded that the proposal is in accordance with the development plan as a whole. All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and informatives.

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 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 therefore, on balance, recommended for approval

RECOMMENDATION

GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO CONDITIONS

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

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

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Highway safety concerns
- Design details
- Ecology details
- Drainage issue