



PB Planning

Millstones, Oxspring
Planning, Design & Access Statement
Yorkshire Land Limited
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Strategy > Partnership > Delivery

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INTRODUCTION

- 1.1 This Planning, Design & Access Statement accompanies a full planning application for the following proposed development at Land West of Millstones, Oxspring:-
- Development of six residential dwellings with landscaping and associated infrastructure.***
- 1.2 This statement has been prepared in support of the planning application and it provides details of the proposed development and an assessment of its compliance with relevant planning policy.
- 1.3 The application package is accompanied by the appropriate planning application fee and comprises electronic copies of the following documents: -
- Application Form
 - Application Cover Letter
 - Planning, Design & Access Statement
 - Site Location Plan
 - Existing Site Plan
 - Proposed Site Plan
 - Drainage & Levels Site Plan
 - Garage Plan
 - Boundary Treatment Plan
 - Plots 1 & 2 – Floor Plans & Elevations
 - Plots 3 & 4 – Floor Plans & Elevations
 - Plots 5 & 6 – Floor Plans & Elevations
 - Tree Survey
 - Arboricultural Impact Assessment
 - Arboricultural Method Statement
 - Ecological Appraisal
 - Otter Survey
 - Biodiversity Net Gain Metric
 - Flood Risk Assessment
 - Drainage Strategy Plan
 - Phase 1 Land Quality Assessment
 - Supplementary Information in relation to Land Contamination Assessment
- 1.4 This statement concludes that the proposed development is in accordance with relevant planning policies at national and local levels. The proposed scheme seeks to provide new high-quality housing to meet identified housing needs. Planning permission should therefore be granted in respect of this planning application.

2.0 SITE DESCRIPTION AND PROPOSED DEVELOPMENT

THE APPLICATION SITE

- 2.1 The site is approximately 0.3 hectares in size and is currently located in the Green Belt as designated within the adopted Barnsley Local Plan.
- 2.2 The site is situated between the established Millstones development and an established heavily landscaped tree mound.
- 2.3 Whilst the application site is now being referred to as a separate site to the adjoining Millstones Development, prior to that development taking place it was just one tract of land extending west of Bower Hill road and terminating at the base of the then recently formed mound which was at that time awaiting tree planting.
- 2.4 All of this tract of land falls into one category of a Previously Developed site as it was tipped with foundry sands from the David Brown Foundry in the 1950s and 1960s, the Council granted permission (B/96/0259/PR) in May 1996, for the excavation, screening, replacement, and compaction of fill material.
- 2.5 These remediation works were then carried out in preparation for future residential development of the site.
- 2.6 In 1997 the site was surfaced in part with crushed limestone and utilised as a compound for Site offices and storage of building materials, during the construction of the Millstones Development.
- 2.7 The heavily landscaped tree mound was delivered at the Council's request, to provide a physical and enduring demarcation between the Millstones development and the Rocher Valley beyond.
- 2.8 The landscaped mound was designed jointly between landscape architects at that time, Smeeden Foreman, and the Council's Planning and Countryside Officers to create an extension of the wooded hillside located to the north of the site. Permission was granted for the creation of a landscape mound on the 17th March 1994 (Ref. B/94/0109/PR).
- 2.9 Since the construction of the adjoining Millstones development, the application site (which was remediated, levelled, and prepared to support future development) has remained vacant and undeveloped.
- 2.10 The adjoining high quality, low density homes forming the Millstones development, consists of 16 dwellings (pursuant to the Council's approval of reserved matters in August 1997 – LPA Ref. B/97/075/PR).

- 2.11 The northern and western boundaries of the site are lined by dense mature deciduous woodland, and the existing area of Millstones residential development is adjacent to the eastern site boundary. The River Don forms the southern boundary of the site, with further woodland beyond.
- 2.12 The site has strong, well defined, and defensible boundaries which clearly separate the land from the wider Green Belt beyond it. This is shown in greater detail within the Landscape Statement produced by Smeeden Foreman dated May 2014, which was submitted a previous planning application (Reference 2014/0482) for four detached family/executive open market homes at the site.
- 2.13 The proposed development area extends a modest distance beyond the existing residential area at Millstones, and any further encroachment into the Green Belt beyond would not be possible due to the presence of the mature woodland to the north and west, which would form strong, permanent physical boundaries.
- 2.14 Development at the site would not have a significant impact upon local landscape character. Moreover, the proposed development would create a better defined and more defensible edge to the Green Belt, as opposed to the present situation.
- 2.15 The proposed development would represent a very modest expansion and to all intents and purposes it amounts to an infill scheme on a small, well-screened area of land between existing built development as well as mature trees and the River Don, all of which will form an enduring defensible boundary.
- 2.16 Oxspring represents a sustainable location for new housing development and the village is served by a variety of facilities.
- 2.17 The site is located within walking distance of local amenities within Oxspring Village including a local school, parks and play areas, a public house, countryside walks including the Trans Pennine Trail. Bus stops are located on Sheffield Road providing public transport links to Springvale (1.2 miles) and Penistone (1.8 miles), other local villages as well as Barnsley and Sheffield in the wider area. The site is considered to be in a sustainable location.

THE PROPOSED DEVELOPMENT

- 2.18 The scheme comprises of 6 new high quality residential dwellings.
- 2.19 The proposals comprise a carefully considered small scale residential development within a residential area providing much needed good quality local housing within a sustainable location.

- 2.20 The proposals illustrate a development of six dwellings comprising a row of two pairs of semi-detached cottages and two detached houses. All of which share the same design characteristics.
- 2.21 The semi-detached cottages have small front gardens and access to larger private gardens at the rear. They adopt a design style and appearance to similar more traditional cottages within the village being of similar scale and featuring pitched roofs, chimneys, external walls in stone, tall sash windows and stone lintels/cills. The design of the semi-detached properties is typical of the semi-rural vernacular and provides an attractive streetscape at the entrance to the site. Appropriate levels of private car parking are provided for each of the proposed homes.
- 2.22 Plots 1 & 2 are detached dwellings but also maintain traditional appearance with dark brown roof tiles, chimneys, external walls in stone, tall sash windows and stone lintels/cills.
- 2.23 Each of the proposed homes are two-storeys in height.
- 2.24 The proposed dwellings will reflect the design and appearance of traditional dwellings within the area incorporating high quality natural materials. The proposals have been sensitively designed to deliver a scheme which takes full account of the physical characteristics of the site and avoids overlooking and loss of amenity to new and existing dwellings.

RESPONSE TO THE PREVIOUS PLANNING DECISIONS

- 2.25 There are two recent decisions associated with the site which are of relevance to this application and we provide commentary on within this section of the statement. These are as follows: -
- Appeal Ref. APP/R4408/W/21/3271635 – Dismissed 13th January 2022
 - Planning Application Ref. 2023/1066 – Refused 4th December 2024
- 2.26 We outlined within the planning statement submitted alongside the recently refused planning application Ref. 2023/1066 that a number of changes have been made to the development proposals in order to respond to each of the Inspector's reasons for dismissing the previous development proposals at the site (Ref. APP/R4408/W/21/3271635).
- 2.27 The key change made to the previous appeal scheme of relevance to this application included an amendment to the red line application site boundary to ensure that all of the proposed residential development is fully located in Flood Risk Zone 1.
- 2.28 The other key relevant areas of the development proposals which were supported by the previous appeal decision, and which have therefore been maintained within this scheme include:
- The overall design of the proposals and quality of materials to be delivered has been maintained on the grounds that the Inspector considered these to be a high quality specification and protected the amenity of existing residential properties.

- The ecology evidence base has been updated to reflect the amended proposals on the grounds that the Inspector previously accepted that the development proposals would have a positive effect on biodiversity, including Biodiversity Net Gain and also as the proposals would not affect the roots of the ancient and semi-natural woodland that lies to the north of the site.
- The internal highway layout of the proposals mirrors the specification of the previous proposals as the Inspector agreed that the proposed access road would have no significant adverse effect on the safety of road users.

2.29 The approach outlined above was acknowledged by the Council in their determination of the recent planning application at the site (Ref. 2023/1066), as there was only one reason for refusal and this related to the proposed development of the site as a rural exception site, and specifically in relation to the viability evidence which was supported in support of the application. The reason for refusal was as follows: -

The site lies within the Green Belt on the approved Barnsley Local Plan where it is the policy of the Local Planning Authority not to permit new development except in very special circumstances or for purposes set out in the NPPF and in Local Plan policy. Local Plan policy H7 reflects national planning policy for rural exception housing and allows for limited affordable housing to meet local community needs in or on the edge of villages. The proposed market houses have not been demonstrated to be reasonably required to make the proposed affordable scheme viable. The submitted viability evidence indicates that the proposed scheme would make a profit greater than would be considered reasonable. The proposal is therefore inappropriate development in the green belt, would represent encroachment into the countryside in conflict with the Green Belt purpose, and would have a significant effect on openness. The proposal is therefore in conflict with policy GB1 Protection of the Green Belt and national planning policy, and no very special circumstances have been put forward that would clearly outweigh the harm caused.

2.30 The development proposals maintain the same approach to design, environmental, and technical matters as the previously refused planning application. Accordingly, the only remaining planning matter to resolve is associated with the principle of development. Which we discuss in the next section of this statement.

3.0 PRINCIPLE OF DEVELOPMENT

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

3.2 The application site is identified to be in the Green Belt within the adopted Barnsley Local Plan. The Barnsley Local Plan was adopted in January 2019. The Local Plan is the statutory development plan for the Barnsley Metropolitan Borough Council local authority area. The statutory development plan for the application site also includes the Oxspring Neighbourhood Development Plan which was adopted in June 2019.

3.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4 Paragraph 2 of the revised National Planning Policy Framework (December 2024) identifies that the guidance presented within it is a material consideration in planning decisions. Which is of key importance to the development proposals.

3.5 Paragraph 155 of the Framework states that 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.

3.6 It is the applicant’s position that the application site can be categorised as grey belt land and that the development proposals would meet each of the criteria outlined within Paragraph 155 of the Framework. Within this section of the statement we provide the justification for this position.

GREY BELT ASSESSMENT

- 3.7 Whilst the site is located within the Green Belt, it is the applicant's view that the site can be characterised as grey belt land in accordance with the definition identified within Annex 2 of the Framework and the latest guidance presented within the PPG.
- 3.8 With regards to the definition within the Framework, the site comprises other land which does not strongly contribute to green belt purposes (a), (b), or (d) in paragraph 143, and the site is not located within a designated 'asset' outlined in Footnote 7.
- 3.9 With specific regard to the guidance presented within Paragraph: 005 Reference ID: 64-005-20250225 of PPG we provide further comment as follows: -

(A) To check the unrestricted sprawl of large built-up areas

Weak or None. The site does not adjoin a defined large built-up area. The site has strong, well defined, and defensible boundaries which clearly separate the land from the wider Green Belt beyond it. There is existing residential development on the site's eastern boundary. The southern boundary is contained by the River Don. The site's western boundary is contained by a heavily landscaped tree mound (previously delivered at the Council's request) to provide a physical and enduring demarcation between the site and the Rocher Valley beyond. The northern boundary of the site is contained by ancient and semi-natural woodland, which is protected from removal/development under national planning guidance.

(B) To prevent neighbouring towns merging into one another

Weak or None. The site does not form part of a gap between two towns.

(D) To preserve the setting and special character of historic towns

Weak or None. The site does not form part of a setting of a historic town. There is no visual, physical, or experiential connection between the site and any heritage assets. Oxspring does not have a defined Conservation Area.

- 3.10 For the reasons outlined above it is unequivocally clear that the site can be characterised as grey belt land in accordance with the definition identified within Annex 2 of the Framework and the latest guidance presented within the PPG.

CRITERIA (A) – FUNDAMENTALLY UNDERMINE THE PURPOSES (TAKEN TOGETHER) OF THE REMAINING GREEN BELT ACROSS THE AREA OF THE PLAN

- 3.11 Paragraph 18.1 of the adopted Barnsley Local Plan identifies that most of Barnsley's countryside is Green Belt. It further states that the changes proposed within the Local Plan (in

respect of the allocation of hundreds of hectares of land for housing and employment development to meet identified development needs) would only result in the loss of 2% of land from the Green Belt. This is also outlined in Paragraph 18.1 which confirms that the Green Belt will still account for almost 75% of the Borough, as the Green Belt in the last development plan proposals map amounted to 77% of the Borough.

- 3.12 Paragraph 3.18 of the Local Plan identifies that the whole Borough covers an area of 329 square kilometres. Thus, based on the figures outlined above, the Barnsley Green Belt is currently 246.77 square kilometres in size.
- 3.13 There are 100 hectares in a square kilometre. Accordingly, at just 0.36ha, the application site accounts for only **0.000015%** of the Barnsley green belt across the whole of the Local Plan area.
- 3.14 In qualitative terms it is clear that the development of the site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- 3.15 Furthermore, from a qualitative point of view, as identified above the site has strong, well defined, and defensible boundaries on all sides which clearly separate the land from the wider Green Belt beyond it.
- 3.16 There is existing residential development on the site's eastern boundary. The southern boundary is contained by the River Don. The site's western boundary is contained by a heavily landscaped tree mound (previously delivered at the Council's request) to provide a physical and enduring demarcation between the site and the Rocher Valley beyond. The northern boundary of the site is contained by ancient and semi-natural woodland, which is protected from removal/development under national planning guidance.
- 3.17 It is therefore clear that the site meets the requirements of criteria a) of Paragraph 155 of the Framework.

CRITERIA (B) – THERE IS A DEMONSTRABLE UNMET NEED FOR THE TYPE OF DEVELOPMENT PROPOSED

- 3.18 With regards to housing applications, Footnote 56 of the Framework confirms that this criteria relates to circumstances where a Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites (including the relevant buffer where applicable) or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years.

3.19 A recent appeal decision Ref. APP/R4408/W/24/3347461 dated 21st February 2025 confirmed that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites. Paragraph 38 of the decision stated the following: -

There is a dispute between the parties with regard to the amount of deliverable housing land supply the Council can demonstrate. The Council indicate that they can demonstrate 3.1 years' supply, and the appellant indicate that the supply is less than 2.5 years'. Regardless, both figures are significantly below five years. In these circumstances footnote 8 establishes that the policies which are most important for determining the application are out of date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Although the site is in the Green Belt, as the proposal would not be inappropriate development, the application of policies in the Framework does not provide a strong reason for refusing the development.

3.20 It is therefore clear that the requirements of criteria b) of Paragraph 155 of the Framework are met as there is a demonstrable unmet need for housing within the Barnsley area.

CRITERIA (C) – THE DEVELOPMENT WOULD BE IN A SUSTAINABLE LOCATION, WITH PARTICULAR REFERENCE TO PARAGRAPHS 110 AND 115 OF THIS FRAMEWORK

2.31 As outlined in Section 2 above, Oxspring represents a sustainable location for new housing development.

2.32 Evidence of this is the allocation of housing and safeguarded land allocations in the Village within the adopted Local Plan. Furthermore, a number of other housing developments of a similar scale to the application proposals have also been approved in the Village.

2.33 With regard to the guidance presented in Paragraph 110 and Paragraph 115 of the Framework, we respond as follows: -

- The site is located within walking distance of local amenities within the Village, including a local school, parks and play areas, a public house, countryside walks (including the Trans Pennine Trail).
- Bus stops are located on Sheffield Road providing public transport links to Springvale (1.2 miles) and Penistone (1.8 miles), other local villages as well as Barnsley and Sheffield in the wider area. The site is considered to be in a sustainable location.
- The internal highway layout of the proposals mirrors the specification of the previous proposals as the Inspector agreed that the proposed access road would have no significant adverse effect on the safety of road users.

2.34 Finally, the two previous planning decision at the site confirm that the Council consider the application site to be a sustainable location for new housing.

3.21 The application site is located in a sustainable location and it is therefore clear that the site meets the requirements of criteria c) of Paragraph 155 of the Framework.

CRITERIA (D) – WHERE APPLICABLE THE DEVELOPMENT PROPOSED MEETS THE ‘GOLDEN RULES’ REQUIREMENTS

- 3.22 Paragraph 156 of the Framework makes clear that the ‘Golden Rules’ apply to major development. The development proposal is not major development, as the development is for less than 10 homes on a site which is below 0.5ha in size.
- 3.23 The ‘Golden Rules’ therefore do not apply to the development proposals and by virtue of this the proposal meet the requirements of criteria d) of Paragraph 155 of the Framework.

GREY BELT ASSESSMENT – OVERALL CONCLUSION

- 3.24 For the reasons outlined above it is unequivocally clear that the site can be characterised as grey belt land and that the development proposals would meet with all of the criteria prescribed in Paragraph 155 of the Framework.
- 3.25 Accordingly, having regard to the guidance presented in Paragraph 11 (d) of the Framework, as the relevant development plan policies of the Barnsley Local Plan are out of date by virtue of the Council being unable to demonstrate a 5-year deliverable supply of housing, the ‘tilted balance’ is engaged.
- 3.26 As identified in Section 2 of this statement, the two previous planning decisions at the site establish the precedent that the only remaining planning matter to resolve was associated with the principle of development. Meaning all matters associated with design, environmental, and technical had previously been agreed.
- 3.27 Consequently, permission should be granted for the development unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

OTHER MATTERS – MEETING IDENTIFIED HOUSING NEEDS

- 3.28 Having regard to the Government’s objective of significantly boosting the supply of homes outlined in Paragraph 61 of the Framework, the proposed development would have the benefit of contributing 6 dwellings towards the Borough’s housing land supply.
- 3.29 The development proposals will make a positive contribution to meeting the Local Plan’s identified housing requirements. Policy H1 seeks to deliver 21,546 net new homes over the period 2014 to 2033 and specifically identifies that a minimum five year supply of deliverable sites will be maintained. Paragraph 7.3 of the Local Pla identifies that the Borough’s Villages,

including Oxspring, will deliver approximately 5% of this requirement in order to help maintain sustainable rural communities and viable villages (an identified 'Challenge of the Local Plan). Paragraph 9.11 of the Local Plan further states that sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services.

- 3.30 The development proposals would also meet a key objective of the Oxspring Neighbourhood Development Plan (June 2019) which seeks to support the provision of fair and accessible housing for local needs and local people.
- 3.31 With regards to meeting evidenced local housing needs, the following extracts of the Neighbourhood Plan are particularly pertinent: -
- Paragraph 5.1.5 - *Policies in the NDP should address the need for a greater number of smaller homes suitable for people wishing to downsize, the elderly and first-time buyers as identified in the Summary of Housing Needs & Capacity Assessment Advice Notes for Oxspring and in response to changing trends nationally related to the ageing population.*
 - Paragraph 5.1.6 - *The results of the questionnaire in early 2015 demonstrated overall support from local residents for emerging policies on accessible housing for local people (81.48% of paper copy respondents agreed with this policy and 76.19% of online respondents) and windfall housing sites (82.72% of paper copy respondents supported this and 90.48% of online respondents).*
 - Paragraph 6.1.1 - *There is a need to consider how best Oxspring can improve its housing provision to meet the needs of all residents.*
 - Paragraph 6.1.6 - *The Housing Needs Advice paper produced by URS and commissioned on behalf of the Parish Council for the Oxspring NDP highlights that local housing provision has to be 'fair and proportionate' to the local community's needs. The findings set out in the document demonstrate that in the interest of providing suitable housing for local people, retaining young people, families and older people wanting to downsize and thus having a sustainable and balanced population, a small amount of housing growth is critical.*
- 3.32 Whilst the Neighbourhood Plan refers to the delivery of small housing types, weight should also be given in the determination of the application to the delivery of the two detached open market properties on the basis that they meet another housing need identified in the SHMA.
- 3.33 As identified above, the latest SHMA states in Paragraph 4.53 that demand for 5 or more-bedroom dwellings is seen mainly in the more rural sub-areas of the Borough, including the Rural West.
- 3.34 The Council's adopted Housing Strategy for the period 2014-2033 identifies the key objective of increasing the number of larger (4 and 5 bed) family/higher value homes across the Borough and specifically identifies the objective of delivering "c.2500 larger family/higher value homes" in the strategy period.

- 3.35 The evidence highlighted above clearly points to a need for more larger family housing in order to stem the flow of higher income households out of the Borough in search of larger properties, and also to attract the higher income population into Barnsley. The level of larger family housing currently being developed in the Borough falls a long way short of achieving these aims.
- 3.36 The need for family housing is also recognised in the URS Study which supports the Oxspring Neighbourhood Plan.
- 3.37 The two open market homes also include home office working areas, as patterns of home working have increased as a result of the COVID-19 pandemic. This element of the proposals is in accordance with Policy OEN3 and Paragraph 6.3.2 of the Neighbourhood Plan which seek to strengthen the local economy by supporting the provision of business space through encouraging home working. Paragraph 6.3.2 further states that “*without these, Oxspring could become a less sustainable community with fewer opportunities for employment*”.
- 3.38 The two proposed market homes have been specifically designed to meet an established housing need of the Borough and to be sympathetic to the character of the surrounding area of the site. Weight should be attached to this important element of the proposal in the determination of the application.
- 3.39 In conclusion, the development proposals will make an important contribution to meeting identified and evidenced local housing needs. Substantial weight should be given to this benefit in the determination of the planning application.

PRINCIPLE OF DEVELOPMENT CONCLUSION

- 3.40 Taking all of the above into account, in applying paragraph 11(d)(ii) of the Framework, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for significantly boosting the supply of homes.
- 3.41 The principle of development is therefore acceptable and the development proposals should be approved by the Council without delay.

4.0 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT: ENVIRONMENTAL OBJECTIVES

MEETING THE ENVIRONMENTAL OBJECTIVE OF SUSTAINABLE DEVELOPMENT

4.1 The Framework defines the environmental objective of sustainable development as being:

“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 The supporting technical documents submitted with the application identify that the development will not have an adverse impact on the local environment. A summary of the key conclusions identified within the submitted technical documents is provided below.

DRAINAGE & FLOOD RISK

4.3 A Flood Risk Assessment and Drainage Strategy prepared by Topping Engineers are submitted alongside the planning application.

4.4 As outlined in Section 2 above, the red line site application boundary is located within flood zone 1 with a low risk of flooding from rivers or the sea. All residential properties and their garden curtilage areas are therefore located in Flood Risk Zone 1. As the site is less than 1 hectare in size, a flood risk assessment is not necessarily required to be submitted alongside the application. The sequential test and exception test is also not required on this basis.

4.5 Notwithstanding the above, the submitted documents demonstrate that the proposed development is not at significant flood risk, nor will it increase the risk of flooding to other areas.

4.6 The current site is considered to be greenfield in drainage terms. This results in the amount of impermeable area on this site being increased. Therefore, it is proposed that the site will be attenuated at greenfield discharge rates. This will also follow the SuDs hierarchy for the disposal of surface water drainage from the site.

4.7 The submitted Drainage Strategy identifies that rainwater/surface water from the development will be attenuated in a cellular storage chamber and released via a hyrdobrake at a restricted rate to the River. Foul water from the development will discharge into the existing sewer located at the north-east corner of the site.

- 4.8 The Local Lead Flood Authority, Yorkshire Water and the Environment Agency did not object to the previous applications at the site and thus we expect this position will be maintained on account of the positive changes made to the development, to place all residential development within identified areas of Flood Risk Zone 1.
- 4.9 In compliance with the requirements of the Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 4.10 On account of the evidence provided within the submitted Flood Risk Assessment and Drainage Strategy it is considered that the development proposals are in accordance with Policies GD1, CC3 and CC4 of the Barnsley Local as there are no flood risk or drainage concerns that would preclude the development of the site.

ARBORICULTURE

- 4.11 A Tree Survey, Arboricultural Impact Assessment, and Arboricultural Method Statement undertaken by Arboricultural Consultant James Royston is submitted alongside the planning application.
- 4.12 The Tree Survey identifies the 10 trees and/or groups of trees located on the site's boundaries. Some of the trees included in this survey were of low value and have been allocated a category C, but several trees are of higher value.
- 4.13 The Arboricultural Impact Assessment confirms that all of the existing trees located on the site's boundaries will be retained within the development proposals. It also outlines that plans show that new tree planting will be undertaken as part of this project, which will serve to increase and improve the quality of the tree cover in the local area.
- 4.14 An Arboricultural Method Statement has also been submitted to identify the measures which will be undertaken to ensure good practice in the management of trees during the proposed development. This document can be attached to a suitably worded planning condition to ensure compliance with it.
- 4.15 Finally, during the determination of the previous appeal concerns were originally raised by the Council in respect of the safeguarding of the Ancient Woodland located adjacent to the northern boundary of the site. Again, for the avoidance of any doubt, we wish to make clear that the Ancient Woodland designation and the trees located within it are not located within the boundaries of the application site.

- 4.16 We can again confirm that the development proposals would not impact upon the Ancient Woodland on account of: -
- The existing track which runs through the application site, adjacent to the woodland edge, is stone surfaced.
 - Beneath this track lies an existing Yorkshire Water foul trunk sewer for its full length of the site. This section of trunk sewer (which takes the entire wastewater capacity of Oxspring and the Principal Town of Penistone) was diverted in the 1990's to accommodate the adjacent existing Millstones development and when re-routed there was no evidence of tree roots found, just solid sandstone bedrock which was required to be removed with mechanical machinery.
 - The combination of the existing sewer and hard surfacing preclude the presence of tree roots within this area and do not allow for the establishment of semi-natural vegetation.
 - The change in levels between the site and the woodland would deter access as well. Such measures are proposed to be secured by condition should the application be approved.
- 4.17 In addition to the above, we can also confirm that the applicant has control of the land to the north of the application site and can therefore confirm that no public access to this area is allowed.
- 4.18 One further, and very important point, is associated with the trajectory/angle of tree root protection areas at the site, given that the trees located to the north of the site's boundaries are approximately 3m above the ground level of the application site and are located approx. 8m away from the northern edge of the proposed access road and over 20m from the closest of the proposed dwellings. The existing trees are therefore located a substantial distance and beyond 15m from all of the proposed built form, other than the proposed site access road.
- 4.19 The first thing to consider is the location of existing roots. As is shown in the submitted Tree Survey the root protection areas of trees which are located in the woodland to the north of the site do not extend into the site when calculated in accordance with BS5837:2012. Meaning it is physically impossible for there to be any root damage at the location of the proposed access road because there are no roots in this location.
- 4.20 Importantly, the proposed access will be located in the same location as the existing access track. No dig roads incorporating a cellular confinement system are now commonplace, and the Arboriculturist is therefore very confident that the proposed access road could be constructed without any need for excavation.
- 4.21 Finally, when undertaking a site visit the Council will be able to view the existing relationship between the Millstones development's access road and the trees located on the banking adjacent to it, which are clearly flourishing and not impacted by the location of the access road.

4.22 The position outlined above was accepted by the Inspector where they stated in Paragraph 33 of their decision that: -

Natural England and Forestry Commission guidance suggests that a 15 metre buffer should be provided for the ancient and semi-natural woodland that lies to the north of the site, in order to avoid root damage. However, the submitted tree survey indicates that the root protection area of this group of trees lies entirely outside the appeal site. Furthermore, the part of the appeal site nearest the woodland currently contains a stone surfaced access track with foul sewer below that run for the length of the site, and at a substantially lower level than the trees. On this basis, the roots would not be affected by the proposal and such a buffer is not necessary.

4.23 Accordingly, it is considered that the development proposals are in accordance with Policy GD1 and BIO1 of the Barnsley Local and Policy OEN1 of the Oxspring Neighbourhood Development Plan.

ECOLOGY

4.24 An Ecological Appraisal has been undertaken by Smeeden Foreman to support the planning application.

4.25 The appraisal identifies that the development is considered feasible with minimal impact on biodiversity provided that mitigation and enhancement measures detailed within the report are incorporated within the site proposals.

4.26 In order to protect the River Don wildlife corridor, the proposed boundary delineating the proposed properties has been amended on the Site Plan to deliver a minimum 10m buffer zone in order to provide a semi-natural habitat along the River's edge.

4.27 The delivery of a new landscaping scheme as part of the development proposals (including the reseeded of the 10m buffer area adjacent to the river with an appropriate native wildflower mix) will therefore allow for the establishment of a more diverse range of species which will then be subject to appropriate management aimed to maximise its biodiversity value in perpetuity. In addition to the introduction of an area of semi-natural habitat adjacent to the river, all of the existing trees along the river's edge will be retained, further protecting the site's features of ecological value. Full details of the landscape proposals and its management in perpetuity can of course be secured by condition should the application be approved.

4.28 With regards to the need for protected species surveys, trees along the edge of the River Don were identified to provide suitable features to support roosting bats within the Ecological Appraisal. However, as identified above, all of the trees on-site are to be retained in order to minimise impacts on the river corridor and allow for the provision of valuable dead wood habitats. Due to the retention of all of the existing trees, alongside the ability to condition the provision of a sympathetic lighting scheme which will not illuminate the river corridor, the

requirement for further surveys has been negated. The retention of all trees and the proposed mitigation with respect to lighting will ensure that impacts are avoided such that surveys in this case are not required. Lighting can be designed to avoid illuminating features used by bats. Such details can be secured by condition should the application be allowed. Any potential for bat roost features within the tree canopies along the river corridor will therefore not be affected by the proposals such that a survey for protected species is not required.

4.29 With regard to the potential presence of signal crayfish within the River Don, this is an invasive, non-native species which it is illegal to release or cause to spread in the wild. Historically released or escaped into the river system from crayfish farms, this species has spread extensively to the detriment of fish stocks and native crayfish upon which it preys, out-competes for food/habitat and spreads crayfish plague. Should any works be needed which could disturb the riverbank (to deliver the required drainage infrastructure), precautionary measures will need to be undertaken to avoid the accidental spread of signal crayfish or crayfish plague including:-

- Inspection of areas to be disturbed by a suitably qualified ecologist.
- Supervision during excavations within the riverbank by a suitably qualified ecologist.
- Biosecurity measures in respect to cleaning all items of personal equipment and machinery used during inspection/excavations within the riverbank.

4.30 Again, these measures can be secured by condition.

4.31 An Otter Survey has also been undertaken and is submitted in support of the application. Field evidence of otter was found on the River Don. The development proposals will retain the river corridor habitat and by doing so would avoid any potential impact upon otter. Further precautionary working methods will also be secured by planning condition to avoid accidental harm or injury to otter, or disturbance to this species. On this basis, the proposals are not anticipated to have an adverse impact upon otter or their breeding or resting places, and no contravention of wildlife legislation is anticipated.

4.32 Finally, with regards to delivering 10% Biodiversity Net Gain, the development proposals will seek to protect and enhance the site's biodiversity value through:

- The provision of an 10m buffer area adjacent to the River Don and the reseedling of the area with an appropriate native wildflower mix.
- The retention of all trees on site and the planting of new trees.
- The retention of existing boundary hedgerows and the planting of new hedgerows.
- The provision of a sensitive lighting scheme to avoid illuminating features used by bats.
- The incorporation of bird and bat boxes on the retained trees and the proposed homes.

- The use of precautionary and sensitive construction techniques to avoid accidental spread of signal crayfish or a crayfish plague.
- The use of precautionary and sensitive construction techniques to protect species such as bats, badger, otter, hedgehog, and breeding birds.
- The introduction of a 30-year management and maintenance scheme to protect and enhance the site's biodiversity features in the long-term.

4.33 The above measures have been included within the development proposals. Evidence of which can be found on the submitted Site Plan.

4.34 These details have been taken into account in the Biodiversity Net Gain assessment which is included in the enclosed Ecology Appraisal. The conclusion of this work is that the development proposals can deliver a Biodiversity Net Gain of **13.32% in habitat units** and **53.50% in hedgerow units**

4.35 The development proposals will therefore achieve 'biodiversity net gain' as required by the Framework, Local Plan Policy BIO1, Policy OEN1 of the Oxspring Neighbourhood Plan, and the Council's Biodiversity and Geodiversity SPD.

DESIGN & AMENITY

4.36 The proposed dwellings will reflect the design and appearance of traditional dwellings within the area incorporating high quality natural materials. The proposals have been sensitively designed to deliver a scheme which takes full account of the physical characteristics of the site and avoids overlooking and loss of amenity to new and existing dwellings.

4.37 All of the proposed homes will be built from the same palette of materials and to the same high quality of construction required to meet building regulation standards. The result being that the affordable homes will be indistinguishable from the proposed market homes in this regard.

4.38 With regard to other specific issues raised by 3rd parties in respect of the previous proposals at the site and the potential impact on amenity, we would comment as follows: -

The design of the affordable housing is not socially inclusive and does not promote balanced, mixed neighbourhoods and social integration.

The high-quality homes that will be delivered will increase social inclusion and integration in the Village on account of the mix of housing types, which reflects the character of the Village. The Village has an eclectic mix of smaller, medium, and larger housing types which has evolved without any formal pattern, helping to create strong community.

Overlooking to properties at No 29, 31 & 33 Millstones.

The nearest proposed home to these properties is Plot 1, and care has been taken to ensure that the amenity of existing properties is protected. On the facing elevation there is only one window, which relates to an en-suite bathroom. The window will be obscurely glazed to ensure there will be no over-looking or loss of privacy to the existing homes located adjacent to Plot 1.

The distance between the facing gable/elevation of Plot 1 and the rear west facing windows of No. 31 Millstones is over 14 meters. The Council's Supplementary Planning Document: Design of Housing Development Section 4 states that there should be a minimum distance of 12m between side elevations and a habitable window of an original house.

The nearest new buildings within a direct line of sight between No's 29 and 33 are single storey garages, and whilst these buildings are located beyond acceptable separation distances, views towards them from the existing properties will be obscured by the rear boundary treatments of the existing properties and the new boundary treatments to be provided by the development.

- 4.39 The development proposals are bespoke and have been designed to specifically reflect the character of the site's surroundings.

HIGHWAYS

- 4.40 The development proposals have been designed to meet the Council's relevant highways guidance, which will enable it to be adopted by the Council if the development is approved.
- 4.41 The relevant guidance is outlined in the Designing New Housing Development SPD and South Yorkshire Residential Design Guide, which identify that the design of all new developments must be based on an appraisal of the surrounding street pattern, which identifies the hierarchy of routes and the pattern of movement through the area.
- 4.42 In terms of an appraisal of the surrounding street pattern, the existing development of Millstones leads from its junction with Bower Hill as a traditional type of street with a kerbed footway to its south side and a kerbed service margin to its north side. To the south side of Millstones are two short cul-de-sac serving residential development each of which are laid out as a shared surface from a raised plateau starting from the back of the junction radii. It is therefore entirely appropriate that the proposed development is served by a similar shared surface as is shown on the submitted Site Plan.
- 4.43 Section 3.3 of the South Yorkshire Residential Design Guide (SYRDG) provides details of street types and denotes this type of street as a 'Level Surface Street' which is appropriate for relatively short stretches in locations with low to very low vehicle flows and speeds. The proposals therefore accord with SYRDG.

- 4.44 The SYRDG is not prescriptive in relation to dimensions for different types of streets, and in terms of design parameters suggests that the largest regular vehicle that is to be accommodated is a 'refuse truck'. The swept path analysis shown on the submitted Site Plan demonstrates that the proposed layout can adequately accommodate the turning manoeuvres of a standard refuse collection vehicle.
- 4.45 As such there is no reason why the road within the development cannot be designed and constructed to an adoptable standard, and there is no reason for the Council not to accept this for adoption.
- 4.46 Turning to the matter of waste collection, with the access road adopted, the ability of refuse vehicles to access the north-west corner of the development is demonstrated by the swept path analysis. Therefore, there will be no requirement for a separate bin collection point within the development, as prospective residents will be able to leave their bins outside their homes for collection.
- 4.47 The access shown on the submitted Site Plan is suitable and appropriate to be offered for adoption and if required this could be secured by a suitably worded planning condition. Following its adoption, the development will be provided with adequate provision for the collection of waste and there will be no unacceptable conflict with road users.
- 4.48 The proposals will therefore accord with Policies Local Plan policies GD1, T4 and S1 and with National Planning Policy for Waste. In relation to the Framework, paragraph 111, states that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. There is no reason on highway grounds why the proposed development should not be granted planning permission as the proposals accord with local and national guidance and will not result in any harm or unacceptable impact on highway safety.

GROUND CONDITIONS & MINERALS

- 4.49 The Phase 1 Land Quality Report prepared by Roberts Environmental dated March 2014 has been submitted to support this Planning Application. Whilst the report was prepared six years ago, circumstances at the site remain unchanged and therefore the contents of the report remain relevant and valid.
- 4.50 The site currently forms an undeveloped parcel of land, with surfacing comprising grassed pasture. No significant sources of contamination were identified associated with the sites current use.

- 4.51 During the review of historical maps, it has been identified that the subject site remained generally undeveloped. Significant potential historical sources of contamination are unlikely to be present on this site. However, they cannot be wholly discounted, and some made ground may be present, associated with the infilled quarry and landscaped mound to the north and west, along with a series of earthworks and regrading works on the eastern side of the site at Millstones.
- 4.52 From a review of the British Geological Survey the geology of the subject site comprises drift deposits of Alluvium and River Terrace Deposits underlain by Grenoside Sandstone, classified as a Secondary-A Aquifer. There are no shallow coal seams within this rock formation and the site is not at risk from shallow coal mining activity.
- 4.53 An assessment of the risk from ground gas has identified a number of potential sources within a plausible migration distance including landfill sites, (although anecdotal evidence indicates infilling occurred with inert material), and the potential presence of naturally occurring organic material within the alluvial deposits below the site. Therefore, the site may be at risk from ground gas, and it would be considered prudent to incorporate gas monitoring within the scope of future ground investigation works.
- 4.54 Based on our review of information available, we are of the opinion a plausible pollutant linkage has not been identified at the site for the continued current use. However, in the event of development the potential for a pollution linkage should be further assessed.
- 4.55 The report concludes that the issues identified should not preclude the future redevelopment and that the environmental risk arising from the ground condition at the subject site is Low.
- 4.56 As the report outlines various references to the infilling of a small sandstone quarry, located 10m to the northwest of the site and due to lack of evidence, makes recommendations in respect of potential made ground, which we feel warrant proper address at this stage and accordingly a Supplementary Evidence paper is submitted alongside the planning application. The submitted supplementary paper confirms the following: -
- The creation of a landscape mound, by re-grading works and subsequent restoration, did not involve the importation or exportation of any material.
 - Written correspondence was previously received from Mr I D V Gilmour of the South Yorkshire Waste Regulation Unit, confirming that the movement of soils within the site curtilage did not require a waste disposal licence.
 - The small sandstone quarry, which lies 10 metres beyond the North Western boundary of the current application site, was infilled in accordance with all required Permissions granted by the Council.

- The excavated surplus soils were excavated and transported to the locations agreed with the Council, including the small sandstone quarry. This material was then covered with sub-soils and ultimately capped with top-soils and then planted with trees.
- All of the material was formed of clean inert soils; hence the works did not require grant of a waste disposal licence. On this basis, it can be ascertained that the materials were not considered to present any contamination risk by either the Council or the South Yorkshire Waste Regulation Unit.

4.57 The development therefore satisfies the requirements of Policy CL1 of the Barnsley Local Plan as there are no ground-related issues that would preclude the development of the site.

CONCLUSION

4.58 On account of the information presented in this section, it is considered that the development proposals comply with the guidance presented in the Framework and the Development Plan. The same conclusion was also reached in the recent planning appeal and planning application.

4.59 As a consequence, the development proposals can be considered Sustainable Development as defined by the Framework and consequently there is a presumption in favour of granting planning permission for this development without delay in accordance with Paragraph 11(d) and also Policy SD1 of the Barnsley Local Plan.

5.0 CONCLUSION

5.1 This statement provides a review of relevant planning policy at the national and local levels. It demonstrates considerable support for the proposed development of the application site.

5.2 The planning justification for the proposed development of the site is summarised as follows: -

- The two previous planning decisions at the site establish the precedent that the only remaining planning matter to resolve was associated with the principle of development. Meaning all matters associated with design, environmental, and technical had previously been agreed.
- The site can be characterised as Grey Belt Land.
- The development proposals would meet with all of the criteria prescribed in Paragraph 155 of the Framework.
- Having regard to the guidance presented in Paragraph 11 (d) of the Framework, as the relevant development plan policies of the Barnsley Local Plan are out of date by virtue of the Council being unable to demonstrate a 5-year deliverable supply of housing, the 'tilted balance' is engaged.
- Planning permission should be granted for the development unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- The development proposals will make an important contribution to meeting identified and evidenced local housing needs. Substantial weight should be given to this benefit in the determination of the planning application
- The benefits that the development will deliver will clearly outweigh any environmental harm.
- The development proposals are situated in a **suitable** and sustainable location in respect of existing settlement form and there are no technical or environmental (built or natural) constraints that would preclude the development of the site.
- The site is **available** now as the applicant is actively seeking to secure planning permission for the residential development of the site.
- The site can also be considered **achievable** as new homes can be viably delivered at the site within the next 5 years.
- The submitted plans identify that the proposals will deliver a high-quality development that reflects the character of the site and its surroundings.
- The technical reports that have been submitted with this planning application identify that there are no technical or environmental issues that would constrain the site's development.
- The development proposals meet the Framework's definition of Sustainable Development and there is therefore a presumption in favour of granting planning permission for this development without delay.

- 5.3 Taking all of the above into account, in applying paragraph 11(d)(ii) of the Framework, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for significantly boosting the supply of homes.
- 5.4 Indeed, the two previous planning decisions at the site establish the precedent that the only remaining planning matter to resolve was associated with the principle of development. Meaning all matters associated with design, environmental, and technical had previously been agreed.
- 5.5 For the reasons identified, the principle of residential development at the site is now considered acceptable on account of the changes to national planning policy guidance outlined in the Framework and the development proposals should therefore be approved by the Council without delay.