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<b>Application reference number</b>	2025/0284
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<b>Application Type</b>	Full planning permission
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<b>Proposal Description:</b>	Development of six residential dwellings with landscaping and associated infrastructure
<b>Location:</b>	Land West of Millstones, Oxspring, Penistone, S36 8WF

<b>Applicant</b>	Yorkshire Land Limited
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<b>Number of Third Party Reps</b>	11	<b>Parish:</b>	Oxspring
		<b>Ward:</b>	Penistone East

**SUMMARY**

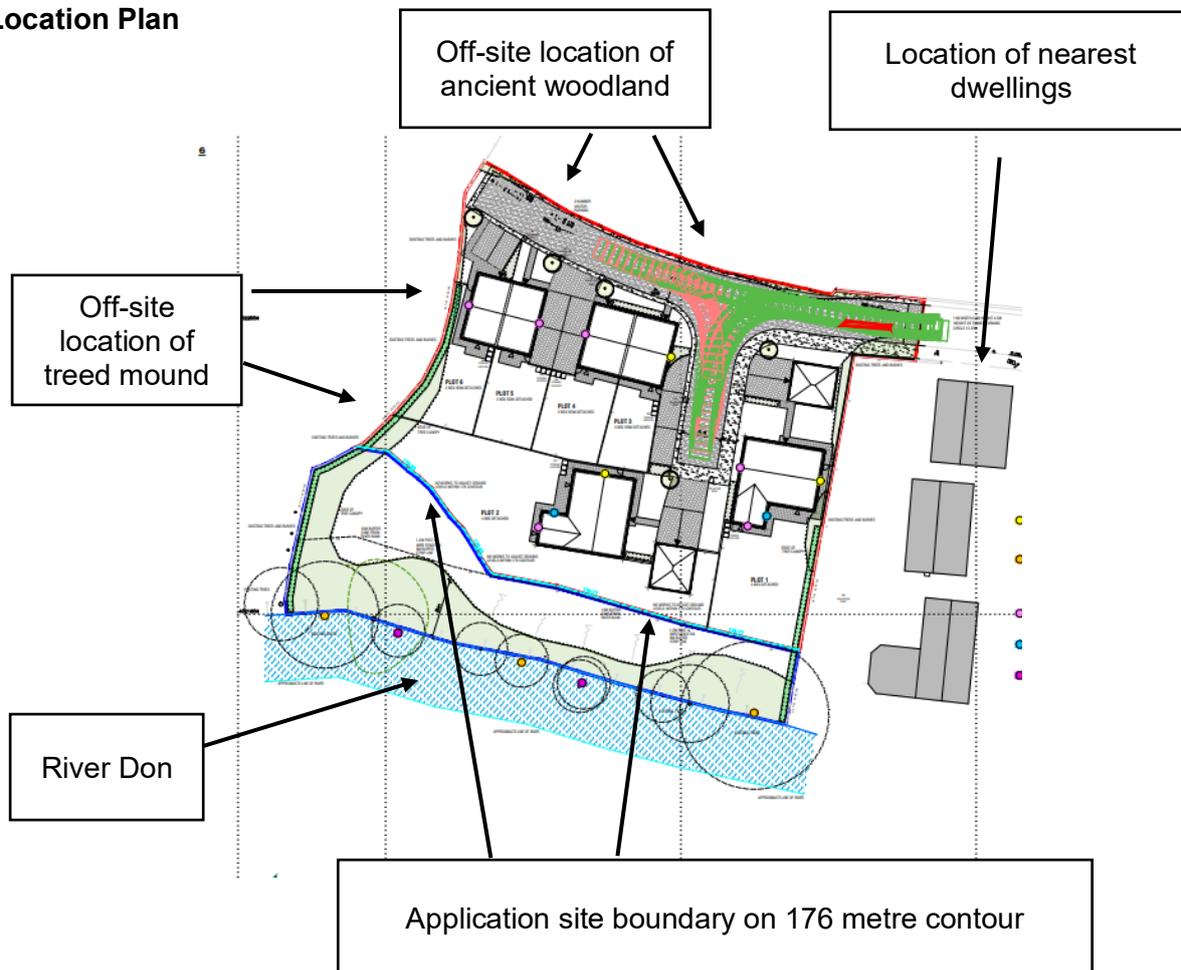
The application seeks full planning permission for the erection of 6 dwellings in the Green Belt adjacent to Oxspring. The proposal is considered to be acceptable in policy terms. The site is considered to be grey belt and the proposal is in accordance with policy in the National Planning Policy Framework 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/unstable land issues, subject to suitably worded conditions.

The application is reported to PRB at the request of a Ward Councillor

Recommendation: **GRANT Planning Permission**

## Location Plan



## Introduction

The report is presented to PRB at the request of a Ward Councillor

The proposed development is for six houses with landscaping and associated infrastructure.

The application site is Green Belt and there is a history of six similar applications being refused and/or dismissed at appeal over a thirty year period.

Since the last application was refused in December 2024, a revised National Planning Policy Framework has been published that sets out that a new policy that development of the Green Belt may be appropriate subject to criteria including that the development would use grey belt.

The application has been amended during the course of the application to ensure that all land below the 176 metre contour is excluded from the application site (to reflect the boundary of the flood zone 2 next to the river Don) and to amend the ecological survey and reports.

## Site Description

The site is located on the edge of Oxspring village. It is bound to the east by the Millstones housing development which dates back to the mid 1990s.

The site is 0.3ha and is roughly square in shape and is grassed. To the north is a bank of ancient woodland, to the west is an area of woodland planted on a landscaped mound and to the south is the tree lined Don river. The houses to the east overlook the site. The site has an existing access from Millstones which is gated off.

Levels on the site fall roughly 5m from north to south (to the river). The application site has been defined to exclude all land below the 176 metre contour (to reflect the boundary of flood zone 2 next to the river Don) from the application site.

### Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2023/1066	Development of rural exception site including 4no. affordable homes and 2no. open market properties with landscaping and associated infrastructure	Application refused
2020/1269	Development of a rural exception site including three affordable homes and two open market properties with landscaping and associated infrastructure	Appeal dismissed
2014/0482	Erection of 4no. detached dwellings.	Appeal dismissed
B/00/0658	Residential Development - 4 dwellings (Outline)	Appeal dismissed
B/99/1344	Erection of four detached dwellings (Outline).	Refused
B/94/0932	Outline application for residential development	Refused

### Proposal

The proposal is to construct six dwellings, comprising 2 x 2 bed, 2 x 3 bed and 2 x 4 bed.

The two and three bed dwellings are semi-detached, would have floor areas of 76sq. m and 91 sq. m respectively and each would have two off-street parking spaces. The four bed dwellings are detached, would each have a floor area of 191 sq. m and a double garage of 36sq. m with two off-street parking spaces in front of each garage.

The agent has submitted in support of the application:

- Ecology surveys and biodiversity net gain information. Results of the statutory metric confirm that the development will result in a 76.48% net loss of habitat units and the trading rules have not been met.
- Grey belt assessment with the intention of demonstrating that the development is acceptable in principle in the Green Belt.
- Tree survey and arboricultural assessment and statement.
- Drainage strategy
- Planning statement
- Flood risk assessment
- Land contamination report.

Proposed layout

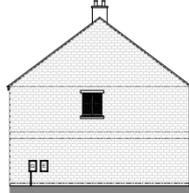


## Elevations

### Two bed semi-detached:



Front Elevation  
2 bed semi affordable house type  
820 sqft



Side Elevation  
2 bed semi affordable house type  
820 sqft

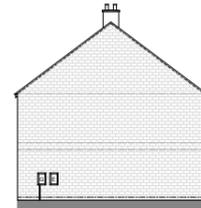


Rear Elevation

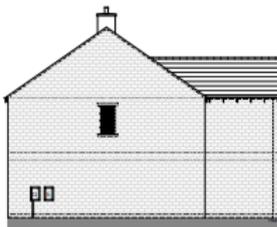
### Three bed semi-detached



Front Elevation  
3 bed semi affordable house type  
984 sqft



Side Elevation  
3 bed semi affordable house type  
984 sqft



Side Elevation  
4 bed detached 2259 sqft



Front Elevation  
4 bed detached 2259 sqft



Rear Elevation

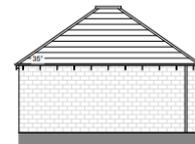


Side Elevation

### Double garage



Front Elevation  
1:100



Side Elevation  
1:100

**MATERIALS**  
GABLET/CALCARENOL  
GABLE ENDGARDEN  
WITH MATCHING ROOF  
GABLE  
GABLE ENDGARDEN  
RED CLAY BRICKWORK  
BLACK POWDERY COAT  
PRINCIPAL WALL & ROOF  
FRONT FACE  
WHITE GLOSSY GLAZED  
UPVC WINDOWS SET INTO  
STONE REVEALS  
NATURAL BROWN STONE  
METRIC CLAY ROOF  
GULLS AS BE BROWN WITH  
STONE CLAY TO  
PRINCIPAL EXTERNAL  
CORNER  
STONE CHIMNEY STACKS  
WITH BROWN GLAZED  
CERAMIC CLAY BRICK  
CHIMNEY POT  
FLUSH PORTER VERGES  
WITH SLATE BRICKS

## 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.

Oxspring Neighbourhood Plan was made (adopted) in June 2019 and forms part of the development plan. The Neighbourhood Plan sets out a number of development management policies that apply to development proposals within Oxspring Neighbourhood Area.

### Local Plan

The site is allocated 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**— recommends the application is deferred to allow the developer to update the submitted ecological survey and metric to reflect the habitat present on site, 'other neutral grassland'.

In response to consultation on the submission of updated information: the submission indicates that the development will result in a net loss of 76.48% which is proposed to be addressed by the purchase of units from a habitat bank. In addition to a net loss of habitat units the trading rules have not been met, the development will result in the loss of other neutral grassland, a medium distinctiveness habitat. As such, when purchasing units from a habitat bank the same broad habitat type or habitats of a greater distinctiveness will be required to ensure a minimum 10% net gain in biodiversity. The applicant has been informed of the two habitat bank providers within the borough

In addition, bird and bat boxes are required on each dwelling alongside hedgehog highways and invertebrate boxes on trees and conditions are recommended to cover these requirements, together with a condition requiring details of external lighting to be approved in the interests of reducing impacts on bats and otters; and a Construction Environmental Management Plan to ensure non-native invasive species are not spread in the wild.

To ensure the banks of the River Don are protected from encroachment dense scrub will be planted 10 m from the banks of the river, this will be maintained for a period of 5 years through a Biodiversity Management Plan, which is covered by condition.

**Highways DC** – no objections subject to conditions relating to surfacing of accesses, driveways, car parking and vehicle turning; and requiring a scheme for bike parking to be submitted and approved; and an informative regarding adoption of roads.

**Drainage** – no objections, happy for details to be checked by building control

**Yorkshire Water** – no objection subject to a condition that the development is carried out in accordance with the submitted drainage strategy.

**Pollution control (including contaminated land officer)** – no objection subject to conditions relating to phase 2 ground investigations to determine foundation design; hours of construction; and restricting burning on site during construction.

**Forestry Officer** – no objections subject to the submitted arboricultural method statement being conditioned as a document to be complied with.

**Environment Agency** – No objections; the proposal will only meet the NPPF requirements in relation to flood risk if a planning condition is including requiring the development to be carried out in accordance with the submitted flood risk assessment and in particular the finished floor levels to be set no lower than 179.1m above Ordnance Datum.

**Oxspring Parish Council** – strongly object to this application for a number of reasons including previous refusals on the site which have been refused and dismissed at appeal for reasons including lack of viability; failed flood risk sequential assessment; inappropriate and harmful development in the green belt, harm to an area of Borough Landscape Value; loss of trees on the riverbank and harm to site's character and wider setting; rejection of site as an allocation at Local Plan examination; no provision for building on this site in either the Oxspring Neighbourhood Plan or the Barnsley Local Plan; recent changes to the NPPF do not alter the outcome of the last appeal which found overriding harm to the Green Belt, loss of openness and encroachment of the countryside.

**Urban Design Officer** – recommends the application is deferred to secure clarification and amendments to the design of the scheme.

**South Yorkshire Mining Advisory Service** – no objections subject to a condition requiring site investigation in relation to potential ground stability issue.

**Ward Councillors** – Councillor Burnett has requested that, given the concerns raised by Oxspring Parish Council and residents about this proposal, the application is determined at planning regulatory board rather than being a delegated decision.

### **Representations**

Neighbour notification letters were sent to 13 surrounding properties, and a site notice was placed nearby.

11 representations were received. The representations raised the following material planning issues:

- Object to development of green belt, which is an important buffer between Millstones and the Green Belt running along the Don to Penistone
- Object to impact on ecology, wildlife/habitat and vegetation on the riverbank, impact on mature woodland and allegations about the use of chemicals to degrade the meadow.
- The submitted tree report is over two years old and cannot be an accurate representation of the current on-site conditions.
- Object to impact on the character of the area
- Note that at least 5 previous applications on this site have been rejected with the overriding reason being impact on the Green Belt and also ecological and aesthetic concerns.
- Concerned that the applicant also owns Oxspring Rocher to the north-west of the application site and that granting this application might set a precedent for development of the Rocher (plan showing applicant's ownership in the vicinity submitted)
- Mis-assessment of the land as 'Grey Belt' and as previously developed land.
- The site contributes to openness and has never been tipped on (aerial photos and ordnance survey extract submitted to demonstrate)
- Housing built on grey belt should provide green space, but this application removes all green space and removed biodiversity benefits of the land.
- Development would form an incongruous pattern of development, an extended 'finger' of development into the Green Belt - development does not exceed 200 metres from the main roads of Bower Hill, Roughbirchworth Lane, Sheffield Road and Jockey Road into the area in question (plan submitted to show this)
- The adoption of the Oxspring Neighbourhood Plan in 2019 clearly concluded that the site should not be released from the Green Belt.
- The Green Belt Review in 2013 and adherence to NPPF principles provide additional reasons for opposing the release of the site from its Green Belt designation.
- Disruption and spread of an invasive species, Japanese Knotweed cases of which are on the applicants adjacent land within 7 metres of the boundary. The submission is based on a land quality assessment dated March 2014 stating no invasive species are present. (Plan showing location of Japanese Knotweed in the vicinity submitted).
- Proposal does not align with principles of sustainable development and community welfare outlined in local plans and the NPPF.
- Noting the PPG on Grey Belts, including that this site meets the criteria for strongly contributing to purpose (a) of Green Belts, that is to check the unrestricted sprawl of large built up areas.
- No sequential site test has been conducted by the applicant reflecting NPPF policy on the hierarchy for release of Green Belt land for development

- The proposal does not comply with NPPF para 155 as the site is not Grey Belt and it's development would fundamentally undermine the purposes of the remaining Green Belt.
- No demonstrable need for the type of development has been shown.
- The submission that the presumption in favour of development via the 'tilted balance' is incorrect as the site is Green Belt.
- The developers contention that the presence of hard boundaries such as ancient woodland, a landscaped tree mound and adjacent built development justifies a grey belt classification is unconvincing.
- The development would be intrusive to existing residents and cause overlooking, loss privacy, light, residential amenity and open space.
- Flood risk to proposed development and to those nearby as a result of increased run off.
- Increased traffic and strain on drainage infrastructure.

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

- The developer is the same as a developer who has built houses on the opposite side of the river Don, where two houses are unfinished and the developer claims to have no money to complete the development. It concerns me that they are planning more houses without completing ours.
- Object to impact on views including from the nearby play area, Gordon's Garden and the main road.
- Issues related to the proposed affordable housing (included in previous applications on the site but not the current application)
- Submissions in relation to the affordability of the proposals (which appear to relate to previous 'rural exception' applications on the site)

## **Assessment**

The main issues for consideration are as follows:

- The principle of residential development in this location.
- The impact on visual amenity and the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees
- The impact on the ecology of the site
- Flooding and Drainage issues
- Contaminated or unstable land
- Other

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

- 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 utilize 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 abuts an area of land at risk of flooding, and an area of ancient woodland, but 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.

### Visual amenity

The application site is contained by the residential development to the east and the surrounding trees on the other three boundaries, such that its development would have a relatively limited impact on the character of the wider area. 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 appropriate roofing materials; to agree the final finish of the doors for the garages and dwellings; to agree cross sections through the windows and doors; and to agree the final details of landscaping and boundary treatment and to secure details of cycle storage. 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.

### Residential Amenity

The relationship with the adjacent dwellings and between the proposed dwellings is considered to be acceptable. The proposal shows plot 1 with a first floor ensuite bathroom window in the main blank gable facing the adjacent existing dwellings to the east. A condition requiring the window to be fixed closed and use of opaque glass would address any overlooking concerns. The distance between the existing and proposed dwellings is over 14 metres, which comfortably exceeds the guidance in the Council's SPD Design of Housing Development that there should be a minimum of 12 metres between a blank side elevation and the habitable windows of an existing house.

Any other impacts including loss of light, sunlight and overshadowing are not considered to be unreasonable (accepting that any development on open land will have an impact on the neighbouring land).

The applicant has been asked to confirm that a minimum of two of the dwellings will meet the accessible and adaptable standards set out in building regulations (and as required by the SPD 'Design of New Housing Development'). Written confirmation that the four bed dwellings will meet this standard has been provided and amended plans are expected to be submitted before the PRB meeting indicating this.

Subject to the receipt of the amended plans referred to above, and conditions recommended by Pollution Control to control hours of work/delivery and restrict burning on the site during construction; 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.

### Highway safety

The scheme demonstrates appropriate access, the provision of acceptable parking and to demonstrate accessibility for a refuse vehicle or bin lorry. Subject to conditions to secure the provision of access, drives, parking and turning areas before occupation; and to secure bicycle parking, 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.

### Trees and landscaping

The site is bound by trees on or off all four boundaries. The submitted tree survey recommends that one tree is removed due to its physical condition, and this has previously been agreed by the Tree Officer. The submission also includes an arboricultural method statement which sets out details of protection measures for the trees on the site.

Subject to conditions to require full details of the proposed landscaping, to require further details of the proposed no dig method of constructing the access road in order to protect the tree roots of the ancient woodland to the north, and to ensure that the development takes place in accordance with the arboricultural method statement it is considered that the 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 Geodiversity and Biodiversity

The submission indicates that the development will result in a net loss of 76.48% which is proposed to be addressed by the purchase of units from a habitat bank. In addition to a net loss of habitat units the trading rules have not been met, the development will result in the loss of other neutral grassland, a medium distinctiveness habitat. As such, when purchasing units from a habitat bank the same broad habitat type or habitats of a greater distinctiveness will be required to ensure a minimum 10% net gain in biodiversity. The applicant has been informed of the two habitat bank providers within the borough. In addition, bird and bat boxes are required on each dwelling alongside hedgehog highways and invertebrate boxes on trees and conditions are recommended to cover these requirements, together with a condition requiring details of external lighting to be approved in the interests of reducing impacts on bats and otters; and a Construction Environmental Management Plan to ensure non-native invasive species are not spread in the wild.

To ensure the banks of the River Don are protected from encroachment dense scrub will be planted 10 m from the banks of the river, this will be maintained for a period of 5 years through a Biodiversity Management Plan, which is covered by condition.

While Oxspring Neighbourhood Plan policy OEN1 indicates that development of two or more houses will be encouraged where possible to incorporate wildlife enhancements into landscaping schemes, and this will be secured by the provision of bat, bird and invert boxes on site. There are no species or habitats on the site which require or justify protection. Subject to conditions to secure the appropriate management of invasive species during construction; requiring a management plan to ensure Himalayan balsam and Japanese knotweed are not spread in the wild, details of external lighting and the provision of appropriate onsite ecological mitigation, it is concluded that the proposal is acceptable, in compliance with Local Plan policy BIO1 and Oxspring Neighbourhood Plan policy OEN1 and significant weight is given to this material consideration.

### Flooding and Drainage

The submitted scheme ensures that the proposed development is well clear of flood zones 2 and 3a next to the River Don and accordingly there is no need for a sequential flood risk assessment. Subject to the requirement for a condition to secure specified finished floor levels as recommended by the Environment Agency, together with a number of informatives, it is considered that the proposal adequately addresses the flood risk issue.

Notwithstanding the comments from local residents about the capacity of the waste system, there are no objections from Yorkshire Water or the Council's drainage engineer. Subject to

the Yorkshire Water recommended condition requiring the development to be completed in accordance with the submitted drainage strategy, it is considered that the proposal adequately addresses drainage issues.

Moderate weight is given to these material considerations.

#### Contaminated or Unstable Land

The pollution control officer agrees with the conclusion of the submitted phase 1 desk study that a phase 2 intrusive site investigation is required. A condition would address this requirement and limited weight in favour of the proposal is attached to this material consideration.

#### Other considerations

Various other issues have raised by members of the public, including concerns that granting this application might set a precedent for development of Oxspring Rocher, adjacent to the application site and in the applicants ownership. Each application must be dealt with on its own merits, and the circumstances of any such application on the Rocher will be determined also on its own merits, but for example, it is noted that unlike the application site, the adjacent land is treed. It is suggested that a sequential site test should have been conducted reflecting NPPF policy on the hierarchy for release of Green Belt land for development – this policy relates only to the strategic release of Green Belt land for development through a local plan

None of the other issues raise concerns that outweigh the conclusion that both the principle and details of the proposal are acceptable.

#### **Planning Obligations**

Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010.

#### Biodiversity Net Gain

The application proposes to secure biodiversity net gain to a minimum of 10% through the purchase of units from a habitat bank.

#### **PLANNING BALANCE & CONCLUSION**

In accordance with Paragraph 11 of the NPPF (2023) 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 NPPF policy relating to development of grey belt. The proposal is located within a sustainable location on a site suitable for residential development and this weighs considerably in favour of the application.

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

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed. 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**

**MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO CONDITIONS**

# Appendix 1 – Site Layout

