

# Public Document Pack

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 19 May 2020
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	VIRTUAL

## AGENDA

### 1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in relation to site visits or items on the agenda.

### 2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 17<sup>th</sup> March 2020.

## Planning Applications

Any planning applications which are to be the subject of individual representation(s) at the meeting will be dealt with prior to any other applications.

If you have any queries in respect of the planning applications included within this pack, or if you would like to register to speak at the meeting, please contact the Planning Department directly at [developmentmanagement@barnsley.gov.uk](mailto:developmentmanagement@barnsley.gov.uk) or by telephoning (01226) 772593.

### 3. 47 Victoria Road, Barnsley, S70 2BU - 2019/1029 - For Approval (*Pages 7 - 16*)

## Planning Appeals

### 4. Planning Appeals - 1st to 30th April 2020 (*Pages 17 - 18*)

### 5. Proposed adoption of the Draft Local List of Buildings and Sites (Elsecar) (*Pages 19 - 28*)

### 6. Planning enforcement report (*Pages 29 - 42*)

To: Chair and Members of Planning Regulatory Board:-

Councillors T. Cave, Danforth, Frost, Green, Greenhough, Hand-Davis, Hayward, Leech, Makinson, Mitchell, Noble, Richardson and Stowe

Furloughed Committee Members:-

Councillors Eastwood, Fielding, Gillis, Gollick, David Griffin, Higginbottom, Markham, McCarthy, Phillips, Smith, Spence and Wright

Matt Gladstone, Executive Director Place  
David Shepherd, Service Director Regeneration and Culture  
Paul Castle, Service Director Environment and Transport  
Joe Jenkinson, Head of Planning and Building Control  
Matthew Smith, Group Leader, Development Control

Andrew Burton, Group Leader (Inner Area), Development Management  
Bob Power, Senior Legal Officer (Locum)

Parish Councils

Please contact Elizabeth Barnard on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Monday, 11 May 2020

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 17 March 2020
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

Councillors T. Cave, Danforth, Eastwood, Fielding, Frost, Gillis, Green, Greenhough, Hayward, Leech, Mitchell, Richardson, Stowe and Wright

### In attendance

#### 79. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest with regard to any of the planning applications on this agenda.

Due to the absence of the Chair, Councillor D. Birkinshaw, Councillor Richardson was appointed to the position of Chair for the meeting.

#### 80. Minutes

The minutes of the meeting held on 18<sup>th</sup> February 2020 were taken as read and signed by the Chair as a correct record.

#### 81. 58 Lundhill Road, Wombwell - 2019/0089 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0089** [Demolition of existing bungalow and the development of 235 no. dwellings with formation of new access, car parking, landscaping and public open spaces at 58 Lundhill Road, Wombwell, Barnsley S73 0RJ (former Wombwell High School site)].

Ms C Plant addressed the Board and spoke in favour of the Officer recommendation to approve the application.

Mr M Whittingham addressed the Board and spoke against the Officer recommendation to approve the application.

**RESOLVED** that the application be granted in accordance with the Officer recommendation subject to S106 agreement, recommended conditions and an additional condition relating to ecological mitigation.

#### 82. Land north of Lingamore Leys, Thurnscoe - 2019/0809 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0809** [Reserved Matters application for residential development of 360 dwellings (Phase 3) at land North of Lingamore Leys, Thurnscoe, Rotherham S63 0PG]

**RESOLVED** that the application be granted in accordance with the Officer recommendation subject to S106 agreement and recommended conditions.

**83. Cannon Hall Museum and Grounds - 019/1429 and 2019/1457 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Applications 2019/1429 and 2019/1457** [Alterations within grounds of Cannon Hall to include: 1 - Partial restoration of the glazed elements of the North Range greenhouse in the Walled Garden 2 - Existing Cart shed to Kiosk conversion 3 - Change in floor surface material to the Deer Shelter 4 - A new Boat Shed close to the middle Lake of the Daking Brook Lakes complex. 5 - A new boat landing jetty/dipping platform at Cannon Hall Museum, Bark House Lane Cawthorne Barnsley S75 4AT]

**RESOLVED** that the application be granted in accordance with the Officer recommendation.

**84. Former Lilac Garage, Lilac Farm, Church Street, Brierley - 2019/1273 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2019/1273** [Removal of conditions 14 and 19 of application 2011/1341 – Demolition of existing bungalow and outbuildings, erection of 40 no. dwellings and formation of an area of openspace (extension of time limit of application 2008/0764) at former Lilac Garage, Lilac Farm, Church Street, Brierley].

**RESOLVED** that the application be deferred to enable further exploration of landscape management.

**85. Planning Appeals - 1st to 29th February 2020**

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2019/20.

The report indicated that 3 appeals were received in February 2020, none were withdrawn and 2 appeals were decided.

It was reported that 33 appeals have been decided since 01 April 2019, 26 of which (79%) have been dismissed and 7 of which (21%) have been allowed.

**86. Cawthorne Conservation Area Appraisal**

The Senior Conservation Officer, Planning Policy, introduced this item. Members were asked to consider the adoption of proposed extensions to the Cawthorne Conservation Area boundary and the attendant conservation area appraisal and management plan which informs and supports the extensions.

**RESOLVED** that:

- (i) in exercise of statutory powers, the Council extends the Cawthorne Conservation Area under the provisions of sections 69 to 71 of the Planning (Listed Buildings and Conservation Areas Act 1990), and

- (ii) In support of the proposed extension, the Council approves the adoption of the Cawthorne Conservation Area appraisal and management plan.

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Chair

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**2019/1029**

**Applicant:** Coyle

**Description:** Change of use from hostel to residential development consisting of the refurbishment of the existing main building on the site into 7no. apartments, associated alterations to the external elevations, erection of single storey detached block containing 4no. apartment units to replace existing annex building and associated alterations to the site layout and parking arrangements (Use Class C3)

**Address:** 47 Victoria Road, Barnsley, S70 2BU

**Cllr Bruff has requested the application be presented to Planning Regulatory Board**

## Site Description

The site is currently occupied by 47 Victoria Road (also known as Westfield House) and is located at the junction of Sackville Street and where Victoria Road and Gawber Road merge. The site is located within the Victoria Road and Huddersfield Road Conservation Area which is predominantly residential in nature. However, some of the larger buildings within the area have been converted from residential to office use.

Westfield House is a large detached villa set in generous grounds occupied by mature trees, shrubs and plants, particularly along the southern, eastern, and western boundaries.

Built in 1876, Westfield House is a fine quality building, two storey, of sandstone construction with attics. It has a low pitched, hipped roof with parapets, which is covered in welsh slate. Although vacant and in need of extensive repair following several attacks of vandalism, the building still provides a significant visual landmark to the Conservation Area.

Previous use of the building and site resulted in the erection of a single storey detached annex to the rear of the property. The annex is of modern construction and as such, has no significant architectural value and is in a poor state of repair.

Following the approval of previous applications, work has commenced on the site which has seen the clearance of the site and the replacement of the roof timbers in the original building.

## Site History

2007/2013 Residential development – conversion of existing building into 5 apartments and construction of 1no block of 16 apartments – Approved subject to conditions

2010/0780 Residential development – conversion of existing building into 5 apartments and construction of 1no block of 16 apartments (extension of time limit for implementation of application 2007/2013) – approved subject to conditions

2017/1681 - Change of use from hostel to a residential care facility including refurbishment of external elevations (6 apartment units) and erection of single storey detached apartment block (3 units) to replace existing annex building along with associated alterations to the site layout and parking arrangements – approved May 2018

2018/1346 - Erection of building containing 12no supported living units – withdrawn February 2019

2019/0374 – Discharge of Conditions 3 (ground stability), 4 (mud/debris) 5 (materials) and 6 (landscaping) relating to application 2017/1681 – approved July 2019

2019/0397 - Variation of condition 2 (approved plans) of planning permission 2017/1681 to enable internal reconfiguration of buildings to allow 2no additional residential care apartment units - Change of use from hostel to a residential care facility including refurbishment of external

elevations (6 apartment units - now 7) and erection of single storey detached apartment block (3 units - now 4) to replace existing annex building along with associated alterations to the site layout and parking arrangements – approved May 2019

## **Proposed Development**

The applicant seeks permission to change the use of the premises from a hostel to residential development consisting of the refurbishment of the existing main building on the site into 7no. apartments, associated alterations to the external elevations, erection of single storey detached block containing 4no. apartment units to replace existing annex building and associated alterations to the site layout and parking arrangements (Use Class C3)

The overall site works will include the stripping back of overgrown shrubbery, the removal of trees as outlined in the tree survey, the erection of iron railing above the existing low level stone wall to a maximum height of 1.8m and the inclusion of entrance gates to the same height. Parking and turning area will be hard surfaced in a solid bound material.

At the time of the initial submission, the applicant sought to change the use to C3 with an element of care to be provided; the same as that proposed under the earlier applications 2017/1681 and 2019/0397. Following discussions with colleagues in Legal and Adult Care Services, the level and type of care to be provided were not considered to fall within the Class C3 definition and the application was to be recommended for refusal; upon notification of this, the applicant amended the proposed development to remove all elements of care and to apply for standard C3 residential units.

## **Local Plan**

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

### **H4 Residential Development on Small Non-allocated Sites**

Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

### **T1 Accessibility Priorities**

Working with city region partners and other stakeholders, transport investment will be set out in Transport Strategy programmes focused on development-transport corridors as shown in the Accessibility Priorities diagram below to:

- Improve sustainable transport and circulation in the Accessibility Improvement Zone (AIZ) area particularly between Principal Towns.
- Implement transport network improvements as supported by evidence from modelling, feasibility studies, consultation, surveys, community engagement etc.
- Facilitate sustainable transport links to and from existing and proposed employment, interchange, community and leisure and tourism facilities in the borough, including provision for car parking and enhancing the non-car role of the transport corridor shown on the Accessibility Priorities diagram as 'potential enhanced road based public transport corridor'.
- Promote high quality public transport linking the AIZ to significant places of business, employment and national / international interchange in the Leeds - Sheffield City Region corridor including neighbouring Wakefield, Kirklees, Doncaster, Sheffield and Rotherham.
- Improve direct public transport and freight links to London, Manchester, other Core Cities, national / international interchanges and the Humber ports.

### **T3 New Development and Sustainable Travel**

New development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;



- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and
- Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1. If it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

#### **T4 New development and Transport Safety**

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

#### **HE1 The Historic Environment**

We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk.

#### **HE2 Heritage Statements and General Application Procedures**

Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting.

#### **HE3 Developments Affecting Historic Buildings**

Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance

#### **Policy D1 High Quality Design and Place Making**

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley

#### **Policy Poll1 Pollution Control and Protection**

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

#### **Policy SD1 Presumption in favour of Sustainable Development**

When considering development proposals, we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

#### **Policy GD1 General Development**

Proposals for development will be approved if, amongst others, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;

## **I1 Infrastructure and Planning Obligations**

Development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband.

Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

### **Policy LG2 The Location of Growth**

Priority will be given to development in the following locations:

- Urban Barnsley;
- Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and
- Villages.

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.

### **SPDs/SPGs**

Supplementary Planning Document – Design New Housing Development  
Supplementary Planning Document – Residential Amenity and Siting of Buildings  
Supplementary Planning Document – Parking  
Supplementary Planning Document – Sustainable Travel

The South Yorkshire Residential Design Guide (SYRDG) does not directly form part of the development plan but is used by the council as good practice to help inform how some of the related policies are interpreted.

### **National Planning Policy Framework**

The Revised National Planning Policy Framework sets out the Governments 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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Sections of the NPPF of relevance to this application would be as follows:

Section 2 : Achieving Sustainable Development  
Section 5: Delivering a Sufficient Supply of Homes  
Section 9: Promoting Sustainable Transport  
Section 16: Conserving and Enhancing the Historic Environment

### **Consultations**

Affordable Housing – no objections  
Adult Care Homes – no objections following amendments to the proposed development  
Conservation – no objections subject to conditions from previous approval  
Commercial Services – no comments received  
Drainage – no objections  
Highways DC – no objection subject to conditions  
Forestry Officer – no objections subject to conditions from previous approval  
Pollution Control – no objections

SYMAS – no objections subject to conditioning of details approved under discharge of condition application 2019/0374  
Waste Management – no objections  
Civic Trust – no comments received  
Coal Authority – no objections  
Network Rail – no observations  
Education – no objections  
Yorkshire Water – No comments received  
Ward Councillors – Cllr Lofts – concerns in relation to highways safety  
Cllr Bruff – concerns in relation to the impact on existing residents and highways safety particularly the access onto Gawber Road.

## **Representations**

Neighbour notification letters were sent to surrounding residents and a site notice was posted adjacent to the site; three letters of objection have been received raising the following concerns:

- Proposed use out of keeping with the area
- Issues with “visitors” to the area causing issues
- The occupants of the building
- Issues with drugs and anti social behaviour within the area

These comments were received in relation to the original scheme, following the receipt of amendments a re-consultation was undertaken, including notifying neighbours and the erection of a site notice; no additional comments have been received.

## **Assessment**

### Principle of Development

The site is designated Urban Fabric in the Local Plan and is within Urban Barnsley which is the main focus for housing growth. Policy H4 - Residential Development on Small Non-allocated Sites states that proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

The principle of development is considered acceptable where the proposal complies with the terms of policies GD1 General Development, Policy D1 High Quality Design and Place Making and the Designing New Housing Development SPD.

The principle of a residential development has been established with the earlier planning approval 2017/1681 subject to the conditions set out in the decision notice and the subsequent variation of condition application 2019/0397 which are extant planning permissions and represent a fall back position.

### Residential Amenity

The proposed residential accommodation is located in a predominantly residential area and therefore is a compatible use with the prevailing character of the area.

There are no additional external alterations to the fabric of the existing building or changes to the proposed annex building located to the rear, from what was approved under the previous applications and therefore it is considered that the proposal would not have any greater impact on the residential amenity of surrounding residents in terms of overlooking or overshadowing compared to what has been approved.

In terms of the amenity of the proposed occupants, the South Yorkshire Residential Design Guide (SYRDG) provides guidance in order to assess the internal spacing of the proposed units. Of the 11 units proposed only one unit falls slightly short of the overall requirement and but this is not

considered to be of significant detriment to the amenities of the future occupiers of that unit and is therefore not sufficient to warrant refusal of the application.

There is sufficient space surrounding the buildings to provide the required amenity space and whilst it is acknowledged that the secure garden area for the 4no units located within the replacement annex to the rear does not meet the guidance, it is still considered sufficient to meet the needs of the occupiers of the units, given that they are located within a larger apartment style setting within a town centre location.

It is therefore considered that the proposal is acceptable in terms of its impact on residential amenity and is in compliance with Local Plan Policy GD1.

### Visual Amenity

As outlined above, the apartments would remain identical to those previously approved under the extant permission. There are amendments to the layout of the parking court and the access into the site, however, these would not have a significant impact on visual amenity and as such, the visual amenity of the area would be maintained to an acceptable degree.

The conversion of Westfield House is welcomed as a means of safeguarding the long term future of an historic building in what is a prominent position. The external alterations proposed, are considered minimal and whilst the inclusion of uPVC windows and rainwater goods may not normally be considered acceptable on such an iconic building within a Conservation Area; it is considered acceptable in this instance due to the building's state of dereliction and its current negative impact on the Conservation Area. The Council's Conservation Officer has raised no objections to the scheme.

The applicant proposes to re-instate iron railings above the existing low level stone wall which is characteristic of the wider Conservation Area.

The new build proposal is of a standard modern design and is practically identical to that which it replaces. Whilst of a modern design, it is located to the rear of Westfield House and would not be highly visible from public vantage points and where it is visible, would be screened by the surrounding protected trees.

It is therefore considered that the proposal is acceptable in terms of its impact on the street scene and in compliance with Local Plan Policies D1 High Quality Design and Placemaking and HE1 The Historic Environment.

### Highways

The site is located on a busy arterial route within the town centre; with two accesses serving the property, one from Gawber Road and one from Victoria Road.

It is acknowledged that concerns have been raised by ward members in relation to highway safety. As mentioned previously there is an extensive history to this site with a number of previous permissions which have sought to utilise both existing accesses to the site. The most recent 2019 application uses both accesses and can therefore be implemented. Notwithstanding this, the Highways Section have looked at the impact of this proposals on highways safety and the highway network and have commented as follows:

"The applicant is seeking to utilise an existing, albeit redundant, access from Sackville Street and whilst I am mindful that this can at times be a congested part of the highway network, the alignment of the boundary wall on both sides of the access and the widened footway provides a 43m visibility for exiting vehicles at a 2.4m to the SE of the site and at a 2m setback to the NW of the site over the bridge. Whilst I would typically like to see a 2.4m x 43m setback in both direction, MfS (Manual for Streets) states that the min 2m setback may be considered in some very lightly trafficked and slow speed situations. Given that this access will

serve only a small portion of the development site, giving provision for only 6 parking spaces, I am of the opinion that we can accept a reduction of the setback distance to 2m which would not result in a detrimental cumulative impact on the network and, as such, I would have no objections to reinstating this access point for the requirements of this application.

Off street parking for 14 vehicles is provided along with turning and manoeuvring areas; and provides in excess of the requirements of the Parking SPD which requires 1 space per unit with 1 or 2 bedrooms.

Highways DC have raised no objection to the proposed development subject to the inclusion of conditions which require the submission of details to prevent mud and debris being deposited on the highway during the construction period and the hard surfacing to be in a solid bound material and available for use prior to the building being brought into use.

It is therefore considered that the proposed development would not have a detrimental impact on highway safety and as such is in compliance with Local Plan Policy T4

### S106 – Sustainable Travel Contributions

Policy I1 Infrastructure and Planning Obligations of the Local Plan states that ‘Development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband and must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.’

Sustainable Travel – The SPD ‘Sustainable Travel’ states that ‘contributions will be sought on developments of 10 dwellings or more.’ Based on the formula set within the SPD and the developments location, a total of £3,300 would be required.

### Other Issues

The proposal would see the loss of some protected trees within the site; these trees are large mature trees with many structural issues and the loss of these trees is considered not an issue.. It is considered that the inclusion of replacement planting on a like for like basis is not appropriate given the density of the trees around the site although a landscaping scheme is provided for appropriate greenery on the site. The Council’s Tree Officer has noted that there is little change in terms of the impact on the trees from the previous approval and has therefore raised no objections

Concerns have been raised in relation to anti-social behaviour in the area and comments have been received in relation to the occupants of the units. The applicant seeks permission for residential development of the site, and as such it is no longer a proposal for supported living. It is the intention of the applicant to seek the necessary market advice as to whether to implement the development and sell or rent the units on the open market, or whether to sell the site to another developer.

### Conclusion

The building has been in a poor state of repair and subject to vandalism for a number of years. The development of the site would result in the retention of an historic building within the conservation area. The proposal would not have a detrimental impact on residential amenity, visual amenity and highway safety and as such is considered acceptable and in compliance with Local Plan Policies GD1, D1 and T4.

**Recommendation - Grant** subject to conditions and the signing of a Section 106 agreement.

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

2. The development hereby approved shall be carried out strictly in accordance with the plans and specifications listed below as approved unless required by any other conditions in this permission.

- Site Layout Plan BARN/303 Rev A received 27<sup>th</sup> February 2020
- Site Layout Plan - Landscaping BARN/305 Rev A dated Feb 2019
- Proposed plans to self contained apartment block BARN/304/ Rev B received 27<sup>th</sup> February 2020
- Proposed elevations and sections BARN/302 Rev A received 27<sup>th</sup> February 2020
- Proposed floor plans and section BARN/301 Rev C received 27<sup>th</sup> February 2020
- Design and Access Statement ref A114740 v2 dated February 2020 produced by WYG
- Energy Statement v3 dated 25<sup>th</sup> February 2020
- Planning Statement ref A11470 v5 dated 25<sup>th</sup> February 2020 produced by WYG
- Tree Survey Westfield House, 47 Victoria Road 0155 Revision c dated 19<sup>th</sup> April 2020
- Tree Protection Plan Revision C produced by Selwyn Trees
- Waste Management Plan Issue number 3 dated 25<sup>th</sup> February 2020 produced by Gemma Coyle
- Ground Stability Assessment prepared by CC Geotechnical dated October 2018
- Proposed materials Main Building - roof and wall finishes
- Proposed materials Rear Annex Building - roof and wall finishes
- Doc Ref: 1004 Discharge of Planning Condition 4 dated 28th March 2019 produced by Ed Coyle of Emerald Development Ltd to prevent mud/debris from being deposited on the public highway

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development

**Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**

4. Upon commencement of development details of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details prior to the development being brought into use.

**Reason: In the interest of air quality, in accordance with Local Plan Policy POLL1.**

5. The refurbishment of the roof of the existing retained building on the site shall be carried out using natural grey slate with matching ridges and hip tiles bed in mortar.

**Reason: In the interests of preserving and enhancing the architectural or historic interest of the building in accordance with Local Plan Policy HE1 The Historic Environment.**

6. Gutter work for the existing retained building on the site to be refurbished shall be ogee section in black with matching downpipes and soil pipes in black

**Reason: In the interests of preserving and enhancing the architectural or historic interest of the building in accordance with Local Plan Policy HE1 The Historic Environment**

7. Any new facing stone to be used in the refurbishment of the existing building to be retained on the site shall be natural sandstone, matching the existing in terms of colour, general grain size, types of face dressing and method of coursing.  
**Reason: In the interests of preserving and enhancing the architectural or historic interest of the building in accordance with Local Plan Policy HE1 The Historic Environment.**
8. The mortar mix for refurbishment to 'make good' any alterations or repairs to the existing retained building on the site shall be 1:3 (1 part NHL3.5 lime: 3 parts well graded grit sand). This shall be flush pointed then stippled back to a concave joint of 2 or 3 mm to reveal the texture of the aggregate in the joint.  
**Reason: In the interests of preserving and enhancing the architectural or historic interest of the building in accordance with Local Plan Policy HE1 The Historic Environment.**
9. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank or Public Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1, Pollution Control and Protection.**
10. The parking/manoeuvring facilities indicated on the submitted plan shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring are provided in the interests of highway safety and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
11. Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**
12. All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.  
**Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**
13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**





**BARNSELY MBC - Regeneration & Property**

Scale: 1:1250





# Item 4

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 to 30 April 2020

#### APPEALS RECEIVED

1 appeal was received in April 2020

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2019/1072	Demolition of existing public house and the erection of a new apartment building comprising 14 no. residential units together with the erection of 2 no. town houses <b>Fitzwilliam Inn, 24 Sackville Street, Barnsley, S70 2D</b>	Written Representation	

#### APPEALS WITHDRAWN

0 appeals were withdrawn in April 2020

#### APPEALS DECIDED

2 appeals were decided in April 2020

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2019/0906	Removal of existing outbuildings and erection of two storey detached dwelling and associated works including provision of new private drive. <b>119 Cross Lane, Royston, Barnsley, S71 4AR</b>	<b>Dismissed</b> 06/04/2020	Delegated
2019/1221	Erection of detached double garage <b>Martins Nest Farm, Grime Lane, Whitley Common, Barnsley, HD9 7TG</b>	<b>Dismissed</b> 09/04/2020	Delegated

#### 2020/2021 Cumulative Appeal Totals

- 2 appeals have been decided since 01 April 2020
- 2 appeals (100%) have been dismissed since 01 April 2020
- 0 appeals (0%) have been allowed since 01 April 2020

	<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
1	2019/0906	Removal of existing outbuildings and erection of two storey detached dwelling and associated works including provision of new private drive. <b>119 Cross Lane, Royston, Barnsley, S71 4AR</b>	<b>Dismissed</b> 06/04/2020	Delegated
2	2019/1221	Erection of detached double garage <b>Martins Nest Farm, Grime Lane, Whitley Common, Barnsley, HD9 7TG</b>	<b>Dismissed</b> 09/04/2020	Delegated

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## **BARNSELEY METROPOLITAN BOROUGH COUNCIL**

### **Report of Senior Conservation Officer, Planning Policy to Planning Regulatory Board May 2020**

#### **Proposed adoption of the Draft Local List of Buildings and Sites (Elsecar)**

##### **1.0 Purpose of Report**

- 1.1 To consider the adoption of the draft local list of buildings (structures and sites) in Elsecar.
- 1.2 To consider the approval of future additions to the adopted local list beyond Elsecar in order to widen the local list out to the entire Borough.

##### **2.0 Recommendations**

- (i) **That, in relation to the requirements of Local Plan Policies HE1 ((e) Heritage), HE3 (Developments Affecting Historic Buildings) and HE5 (The Demolition of Historic Buildings), the Council adopts the draft local list for Elsecar.**
- (ii) **Furthermore, in relation to the above Local Plan Policies, the Council approves future additions to the local list to widen this initial list beyond Elsecar to cover the rest of the Borough (subject to the amendment of selection criteria that are currently Elsecar specific) .**

##### **3.0 Background and Proposal**

**3.1** Barnsley Council and Historic England are currently in the final (third) year of delivery of the Elsecar Heritage Action Zone (HAZ). The project was formed as a partnership between Barnsley Metropolitan District Council and Historic England with an aim of researching and safeguarding the rich industrial heritage of the village whilst guiding future developments. Much work has already taken place with the local community to uncover and celebrate the often hidden, history and archaeology of the village. The project is also in the process of helping to realise the village's potential as part of the region's growing visitor and tourism economy through the conservation and re-use of historic buildings. Following (and in support of) this, several planning related documents have been produced or proposed. This includes the Elsecar Conservation Area Design and Maintenance Guide (now an adopted Supplementary Planning Document), a good practice maintenance leaflet for historic buildings in Elsecar, and a conservation area appraisal. Following the recent production (by Historic England) of a detailed Historic Area Assessment of the HAZ area, and in discussion with residents, a local list of buildings, structures or sites of local heritage merit is now proposed.

Local Listing

Local lists identify buildings, structures or archaeological sites (heritage assets) that have a demonstrable local architectural or social significance. However, assets on a local list are non-designated as opposed to designated national listings - commonly referred to as Listed Buildings. National listings have national heritage significance and are protected by heritage legislation found within the Listed Buildings and Conservation Areas Act 1990. Local listing is not covered by the Listed Buildings and Conservation Areas Act and so provides a lower order of heritage protection which is non-statutory. However, the status of a locally listed heritage asset is a material consideration wherever planning permission is required. As a result, various provisions of the National Planning Policy Framework, and Barnsley Local Plan heritage policies come into effect. For example:

‘...developments which will help in the management, conservation, understanding and enjoyment of Barnsley’s historic environment...which conserve and enhance the significance and setting of the borough’s heritage assets,.....will be achieved by supporting proposals which conserve Barnsley’s non-designated heritage assets.

(Barnsley Local Plan Policy HE1)

Furthermore, proposals affecting heritage assets including:

‘..buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building’s significance.

(Barnsley Local Plan Policy HE3)

#### **4.0 Statutory Criteria, Selection, Consultation**

There are no statutory criteria for the drawing up, adoption, and operation of a local list. However, recognised good practice dictates that there should be robust but logical selection criteria for the addition of buildings or sites onto the list. Moreover, good consultation with building / site owners, local residents and relevant stakeholders is key to the adoption, success, and operation of the list.

Selection criteria were established with the assistance of Historic England based on national selection criteria but with a local focus. Candidates for the local list were evaluated based on their age, rarity, architectural and historical importance, social and community value and group and townscape merit. Each building or site received a score from each evaluation section, requiring a total score of 24 or more (of a possible 43) to make it onto the list. Full details of the selection criteria can be found at Appendix A.

Consultation on possible candidates for the draft Elsecar local list was carried out with residents during the Summer and Autumn of 2019. Four drop-in events took place where residents were invited to suggest candidates and had the opportunity to put questions to Council Officers about what the local list means and how it would

work in practice. Following this, scoring and selection to the draft list took place. A letter has also been dispatched directly to properties selected for the draft list explaining the proposal, what local listing means, and who to contact for further information.

## **5.0 Options**

**5.1** The Council approves the adoption of the Elsecar Draft Local List and approves this list to be expanded to the rest of the Borough in due course.

**5.2** The Council could decline to adopt the draft local list. However, evidence from the Historic Area Assessment (provided by Historic England), the use of robust selection criteria, public support, and the risk of reputational damage with Historic England (who advocate local listing) means this is not the Officer recommendation.

## **6.0 Local Area Implications**

**6.1** There are no implications for the local area beyond the adoption of the draft local list which would assist planning decision making. Those individuals directly affected by adoption of the draft list have been contacted directly and no objections have been received.

## **7.0 Compatibility with European Convention on Human Rights**

**7.1** These proposals are considered compatible with the Convention.

## **8.0 Ensuring Social Inclusion**

**8.1** These proposals will have no negative impact on social inclusion.

## **9.0 Reduction of Crime and Disorder**

**9.1** These proposals are not considered to have any effect on crime and disorder.

## **10.0 Financial Implications**

**10.1** These proposals are considered to have no financial implications.

## **11.0 Risk Assessment**

**11.1** The compilation of a local list of buildings or structures is non-statutory in nature and so adoption will not compromise relevant legislation. The result of inclusion of a building on a local list is limited to its consideration whenever Planning Permission is sought in respect of that building. However, no objections have been received to this proposal. Should objections be received with regards to future additions to the list, these will be carefully taken into consideration before inclusion.

## 12.0 Consultations

**12.1** Residents, local stakeholders, Ward Councillors, and other Council departments have been consulted on the proposals. No objections have been received.

## 13.0 Proposal

**13.1** Councillors approve the recommendations in section 2.

## 14.0 Appendices

Appendix A – Selection Criteria

### **Elsecar Local List – scoring criteria for local list inclusion**

**Age, fabric and rarity** – Usually a building should be over 30 years of age to be included on the Local List.

**Age:** When was the building/structure made? NB buildings/sites that score 1 or 0 are unlikely to be included on the list, unless in exceptional circumstances (e.g. a site with architectural merit and high community value)

5 – Before 1795 (pre-industrial Elsecar)

4 - 1795-1849 (early development – north end of the village)

3 – 1850 – 1902 (later development – south end of the village)

2 – 1902 - 1947 (twentieth century, up to the nationalisation of the coal industry)

1 – 1947 – current date (after the Fitzwilliam influence) no less than 30 years old

0 – less than 30 years old

**Survival of historic fabric:** Historic fabric refers to the materials that the building is made of, e.g. the walls/frame, windows, doors, roof. Historic fabric can be multi-phase, but each phase should be readable. Buildings that score 2 or below in this category are unlikely to be added to the local list.

5– high survival of historic fabric, including some internal features (e.g. original doors, plasterwork details, floor coverings).

4- high survival of external historic fabric, including windows, doors, roof covering, chimneys and chimney pots and other architectural features, but with low or no survival of internal features.

3– most of the external historic fabric survives, but some smaller elements have been replaced – most often this will be the windows, doors and chimneys. Or some elements have undergone faithful restoration (e.g. stonework replaced, but with original detailing recreated).

2– historic envelope survives but moderate to high percentage of original materials have been changed, e.g. non-original roof coverings, windows and doors. Or there have been major alterations to the original building design, making the intended form and function less readable – e.g. the building has been extended, historic windows/openings altered etc.

1 – low survival of historic fabric, including heavy restoration where the work has not been done faithfully to the original (where this is known, or can be assumed)  
0 – very little historic fabric survives, or where it does it has been extended and altered beyond recognition

**Rarity:** Can apply to form or function/intended function (use whichever scores highest). This is assessed on a local/regional scale, as nationally rare structures should be protected through national listing. For archaeological sites rarity applies to the main archaeological remains, not the current use of the site. For sites where you would only ever expect one or two examples per area (e.g. cricketclub or cinema) rarity should be judged on numbers surviving across the wider borough and whether the Elsecar example is a particularly rare survival in comparison to others, e.g. is it a particularly early or well-preserved example? If not, then a score of 2 or 3 should be given.

5 – The only one of its kind in Elsecar/Barnsley Borough (or very rare in the rest of Barnsley Borough).

4 - The only one of its kind in Elsecar. Other examples found elsewhere in Barnsley borough.

3 – One of a handful of buildings/structures/sites of similar historic function/design in Elsecar. Uncommon in the rest of the borough.

2 - One of a handful of buildings/structures of similar historic function/design/sites in Elsecar. Common elsewhere in the borough.

1 - One of many buildings/structures of similar function/design in Elsecar. Uncommon elsewhere in the borough

0 – One of many buildings/structures of similar function/design in Elsecar and common elsewhere in the borough

**Group value:** Usually applies to physical form/association, not historical association (which has a separate category – see below)

5 - Associated with a nationally designated structure (listed building or SAM) – e.g. part of a group of buildings of similar age or appearance, or intended to be part of a group, of which a number of buildings survive, and that includes a nationally designated site or structure. Makes a positive aesthetic contribution to the group.

4 - Associated with a number of buildings (2 or more) of similar age or appearance or intended to be part of a group of which 2 or more buildings survive, but none are listed or scheduled. Makes a positive aesthetic contribution to the group.

3 – Associated with a number of buildings (2 or more) that have townscape merit as a group, but not necessarily of similar age or appearance. Not necessarily built as (or intended to be) part of a group, but nevertheless make a positive visual contribution to the landscape or streetscape as part of a group now (e.g. as part of a historic high street).

2 – Associated with a large number of buildings of different ages and/or appearance spread across a wider area that together tell an important story (or provide important evidence) about the development of a place or institution

1 – Associated with a small number of buildings of different ages and/or appearance spread across a wider area that together tell an important story (or provide important evidence) about the development of a place or institution

0 – Not part of a group

**Aesthetic/Architectural contribution:**

- 5 - Highly designed, aesthetic interest, associated with a known architect/designer
- 4 - Highly designed, aesthetic interest, not associated with a known architect/designer
- 3 - Typical of local vernacular, part of a known type or style of vernacular building (e.g. cruck barn) with original/historic features fully or mainly surviving. Or, intentional design with some strong decorative architectural features – e.g. string courses, basic decoration to windows/doors etc. Or readable historic function – e.g. former shop window.
- 2 - Less typical of local vernacular. Or typical of local vernacular but with fewer decorative architectural features, or moderate alterations.
- 1 - Minor local stylistic interest – some vernacular features surviving/visible. Or typical of local vernacular/readable historic function, but with heavy alterations.
- 0 - Makes no aesthetic contribution – standard design, functional, no decorative features

**Archaeological interest:**

- 4 - Archaeological features known to survive, with high potential to explain previous site uses and processes
- 3 - Archaeological features known to survive, with less potential to explain previous site uses and processes
- 2 - High potential for archaeology to survive
- 1 – Low potential for archaeology to survive
- 0 – Archaeology known not to survive

**Historic Association:** this can apply to objects/structures as well as buildings and sites.

- 4 – Associated with a known nationally significant historic figure or organisation, building/structure, or event (with documentary or other evidence)
- 3 - Associated with a known locally significant historic figure or organisation, building/structure (e.g. post office, shop etc), or event (with documentary or other evidence)
- 2 – Thought to be associated with a known nationally significant figure or organisation, building/structure, or event (no evidence)
- 1 – Thought to be associated with a known locally significant figure or organisation, building/structure, or event (no evidence)
- 0 – No association with a historic person, building/structure, or event

**Communal/Social:**

- 5 – High communal value – historic structure (pre 1947) built for the local community, or by the local community (e.g. funded through public subscription). And/or the whole building/structure is associated with large number of shared local stories and collective experiences, e.g. a band stand, cricket pavilion, local pub). Has potential for continued/future use to benefit the local community. Highly valued by the local community.



- 4 – Moderate communal value – the whole building/structure is associated with a range of shared local stories and more personal/individual experiences. Valued by some of the local community. Has potential for continued/future use to benefit the local community (even if this is a creative use and not its original/intended use)
- 3 – Some elements of the building currently have communal value – e.g. old advertisements, historic graffiti or signage connected with shared local stories, or people who are/were well-known locally. Potential for continued/future use to benefit the local community
- 2 – Whole building/structure currently has high or moderate communal value (as above), but with little or no potential for continued/future use to benefit the local community
- 1 – Some elements of the building currently have communal value/shared social history, but with little or no potential for continued/future use to benefit the local community
- 0 – Not used or valued by the local community

**Townscape/Landscape Merit** – this can apply to the whole building/structure or to key elements of that structure, where these are visible and make a specific contribution to the special character of an area

- 5 – Currently makes a strong contribution to the townscape or wider landscape – contributes to the special historic character of the area, or is located in a prominent position, or is part of an important view or vista
- 4 – Has the potential to make a strong contribution to the townscape or wider landscape if it was repaired/in better condition/better presented, including removal of immediate modern boundaries – e.g. trees/walls/fences - where these currently obscure views of the site/building
- 3 – Makes a moderate contribution to the townscape or wider landscape – contributes to the special character of an area, but is located in a less prominent location
- 2 – Has the potential to make a moderate contribution to the townscape or wider landscape if it was repaired/in better condition/better presented
- 1 – Makes a minor contribution to the townscape or wider landscape
- 0 – Makes no, or a negative, contribution to the townscape or wider landscape

## Appendix B – Elsecar Local List and Scoring

	Age	Fabric	Rarity	Group	Aesthetic	Archaeological	Historic association	Communal/social	Townscape / landscape	Total
<b>ELSECAR LOCAL LIST</b>										
<i>Total possible score</i>	5	5	5	5	5	4	4	5	5	43
<b>Asset Name</b>										
<b><i>Housing</i></b>										
Meadow Row	4	3	3	5	3	1	4	2	4	29
Hemingfield Pit Row Cottages	4	2	3	5	3	2	4	0	4	27
Elsecar gasworks managers house	3	3	4	5	3	4	4	2	4	32
Former shops next to Market Pub (4-6 Wentworth Road)	3	3	2	4	1	1	5	2	4	25
79-85 Fitzwilliam Street (John Carr style houses)	3	3	3	5	3	0	4	1	4	26
House at the back of Fitzwilliam Street (behind the hairdressers) facing towards the ironworks	4	4	3	4	3	1	2	0	3	24
88-94 Fitzwilliam Street (next to Milton Hall)	4	3	3	4	2	1	4	0	5	26
Former rectory (Armroyd Lane)	3	4	4	2	4	1	4	1	4	27
4-14 Fitzwilliam Street (including outbuildings to rear)	3	3	1	5	3	1	4	1	5	26
31 Hill Street (former Royal Oak pub)	3	3	3	4	3	2	0	4	4	26
39 Hill Street	3	4	3	4	4	1	0	0	5	24
Footrill Cottage (Broadcarr Road) – see also below	4	3	3	3	3	4	4	1	3	28
Milton House – including garden	4	5	3	4	4	4	4	1	5	34
<b><i>Leisure</i></b>										
Elsecar Park Bandstand	2	5	4	4	5	1	3	5	5	34
<b><i>Other</i></b>										
Fingerpost (Wath Road)	2	5	4	0	4	0	4	2	4	25
Broadcarr Road Footrill	4	3	3	5	4	4	4	0	2	29
Elsecar Reservoir	4	1	2	0	0	4	4	5	4	24
<b><i>Pubs</i></b>										
Market Pub	3	3	3	4	3	2	4	5	4	31

Milton Arms	4	2	3	5	2	2	3	5	4	30
Crown Inn	4	2	3	3	3	1	3	5	4	28
Former Clothiers Arms	3	3	1	3	3	1	3	4	4	25

***Industry***

Elsecar Main Ambulance Store	2	4	5	1	1	2	4	4	4	27
Elsecar gasworks, site of former gasholders (see also managers house above)	3	0	4	5	0	4	4	0	4	24
Milton ironworks	4	0	5	5	0	4	4	3	3	28
Waggonway	4		4	5	0	4	4	5	4	30

Officer Contact: Tony Wiles Tel: ext 2576  
Date: 6<sup>th</sup> May 2020

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# Item 6

## **Planning Enforcement Report to Planning Regulatory Board**

### **Quarter 4 January 2020 – March 2020 Inclusive**

#### **Introduction**

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 4 Period of this reporting year 2019/2020 (January – March 2020). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

#### **Overall number of Planning Enforcement service requests Quarter 4:**

January 2020                      45

February 2020                    48

March 2020                        55

Total number of requests for service Quarter 4 2019/20 **148**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 4 2019/2020	148	60	88

#### **Introduction**

The service has a triage system to assess and prioritise complaints in order of the seriousness of the harm being caused so that the resources of the service can be deployed in the most effective way. This approach has included filtering out low priority cases at an early stage to allow officers to invest time and resources resolving more difficult or complex cases. It has also enabled complaints where no breach of planning control has been identified (i.e. neighbour disputes or civil matters) to be resolved at the earliest point of contact.

The majority of cases received by the service are resolved through negotiation and contact with the parties concerned as per our service policy and some cases are low level or considered technical breaches of planning control where formal action would not be appropriate. Other cases can take several weeks to resolve as they may require interventions by the Council and work with a variety of stakeholders including the submission of retrospective planning applications to be considered.

The service will also take swift and robust enforcement action to address breaches of planning control which are harmful and unacceptable. This can include ceasing works on site through the service of stop notices or preventing activities taking place at certain times of the day.

## **Summary of Case Activity**

### **(a) Issuing of Formal Notices** (displayed in order of date issued)

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Details of Service/Appeal</u></b>
<p>2019\ENQ\00699</p> <p>69 Briton Street, Thurnscoe, Rotherham, S63 0HR</p>	<p>Without planning permission, the material change of use of the land to a mixed use as residential dwelling house and base for pet grooming, dog sitting &amp; dog walking.</p>	<p>Enforcement Notice issued 2nd January 2020 requiring:</p> <p>(i) Cease the unauthorised change of use relating to pet grooming, dog sitting &amp; dog walking at the property and ensure that the only dogs present at the property are those registered to the occupants of the dwelling house. No further dogs should attend the premises for any grooming, sitting or dog walking purposes.</p> <p>Effective: 3rd February 2020.</p> <p>Time Period for Compliance: One months (3rd March 2020)</p> <p>Appeal Submitted</p>
<p>2018\ENQ\00460</p> <p>33 Paddock Road, Staincross, Barnsley, S75 8LF</p>	<p>Without planning permission, the erection of raised decking to the rear of the property.</p>	<p>Enforcement Notice issued 3rd January 2020 requiring:</p> <p>(i) Dismantle and remove all the raised decking to the rear of the property including any supporting structures and foundations from the land.</p> <p>(ii) Ensure any supporting fencing or screening which is either fixed or adjacent to the raised decking is less than 2 metres in height when measured from ground level.</p> <p>Effective: 7th February 2020.</p> <p>Notice Complied with – Decking Removed</p>

<p>2019\ENQ\00688</p> <p>4 Whin Corner, Shafton, Barnsley, S72 8PJ</p>	<p>Without planning permission, the material change of use of the land to a mixed use as residential dwelling house and base for pet cremation and burial services.</p>	<p>Enforcement Notice issued 7th January 2020 requiring:</p> <p>(i) Cease the unauthorised change of use relating to pet cremation &amp; burial at the property, ensuring that the only animals, present at the property, alive or deceased are those registered to the occupants of the dwelling house. No further carcasses should be brought to the premises for any purposes.</p> <p>Effective: 7th February 2020</p> <p>Notice complied with; the unauthorised use has ceased.</p>
<p>2019\ENQ\00560</p> <p>3 Chapel Court, Ardsley, Barnsley, S71 5FA</p>	<p>Without planning permission, the erection of a fence adjacent to the highway exceeding 1 metre in height</p>	<p>Enforcement Notice issued 27th January 2020 requiring:</p> <p>(i) Reduce the height of the existing fence panels that run adjacent to the highway as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>Effective: 28th February 2020</p> <p>Notice complied with – Fence reduced</p>
<p>2019\ENQ\00050</p> <p>68 Aldham Cottages, Barnsley Road, Wombwell, Barnsley, S73 8DZ</p>	<p>Without planning permission, the erection of a single storey rear extension to the dwelling</p>	<p>Enforcement Notice issued 28th January 2020 requiring:</p> <p>(i) Remove the single storey rear extension constructed with chipboard/wood and fencing panels from the property in its entirety including foundations and backfill foundations with subsoil and top</p>

		<p>soil to ground level.</p> <p>Effective: 28th February 2020</p> <p>Notice complied with – Extension removed</p>
<p>2019\ENQ\00792</p> <p>37 Parkgate, Goldthorpe, Barnsley, Rotherham, S63 9GW</p>	<p>Without planning permission, the erection of a fence adjacent to the highway exceeding 1 metre in height.</p>	<p>Enforcement Notice issued 3rd February 2020 requiring:</p> <p>(i) Remove the existing fence panels that run adjacent to the highway as marked in Appendix 1 in their entirety from the land.</p> <p>Effective: 5th March 2020</p> <p>Notice complied with – Fence reduced in height</p>
<p>2019\ENQ\00870</p> <p>1 Rectory Lane, Thurnscoe, Rotherham, S63 0RS</p>	<p>Condition 5 of the planning permission has not been complied with:</p> <p>(Condition 5) No hedges or trees, or their branches or their roots, shall be lopped, felled or severed.</p>	<p>Enforcement Notice issued 3rd February 2020 requiring:</p> <p>(i) Remove the existing fence in its entirety, replacing it with a Hawthorne boundary hedge or a species similar to those of surrounding residential dwellings.</p> <p>Effective: 4th March 2020</p> <p>Time period for compliance, Within the next planting season (October-March).</p>
<p>2018\ENQ\00437</p> <p>21 Kings Court, Wombwell, Barnsley, S73 0FB</p>	<p>Without planning permission, the erection of a brick outbuilding to the rear of the dwelling.</p>	<p>Enforcement Notice issued 7th February 2020 requiring:</p> <p>Either:</p> <p>i) Demolish and remove the unauthorised detached outbuilding from the rear garden of the property.</p> <p>Or:</p> <p>ii) Reduce the height of the building to no more than 2.5</p>



		<p>metres from ground level constructed in materials that match the existing structure.</p> <p>Effective 7th March 2020.</p> <p>Time period for compliance, 2 months (7th May 2020).</p> <p>Additional time requested for compliance due to Covid situation.</p>
<p>2020\ENQ\00202</p> <p>Worsbrough Wood, Worsbrough Road, Barnsley, S70</p>	<p>Without planning permission:</p> <p>The material change of use of land for the siting of a caravan for human habitation, storage of horseboxes, vehicles, plant, equipment, machinery, the laying of hardstanding and erection of walls, fencing and boundary gates to facilitate the unauthorised use over a number of unauthorised vehicular crossings on woodland which is covered by Tree Preservation Orders. ('The Unauthorised Works').</p>	<p>Enforcement Notice and Stop Notice issued 6th March 2020 requiring:</p> <p>(i) Cease the residential occupation of the caravan for human habitation purposes and remove the caravan from the land;</p> <p>(ii) Remove the horseboxes stored on the land, all vehicles, plant, equipment, machinery stored on the land</p> <p>(iii) Demolish and remove the boundary walls, fencing and boundary gates erected at the land and Reinstate the land to its previous condition before the unauthorised development took place including removing unauthorised hardstanding which has been laid.</p> <p>(iv) Cultivate the earth and Re-seed the areas where hardstanding has been laid with agricultural grass seed to assimilate them back to a natural environment.</p> <p>Effective: 10th April 2020</p> <p>Time period for compliance, one day (step 1) to two months (steps 2,3,4)</p> <p>Appeal Submitted</p>

2019\ENQ\00732  Residential Development site, Poplar House Farm, 24 Low Cudworth Green, Cudworth, Barnsley, S72 8EG	The development is not proceeding in accordance with the approved planning permission for Plot 6 as approved under application 2019/1295 dated 21st February 2020, specifically the incorrect siting of the footings and the continuation of the build. ('The Unauthorised Works').	Temporary Stop Notice issued 28th February, effective until 27th March 2020.  Notice complied with.
2019\ENQ\00732  Residential Development site, Poplar House Farm, 24 Low Cudworth Green, Cudworth, Barnsley, S72 8EG	The following condition has not been complied with:- Condition 3  Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays	Breach of Condition Notice issued 9th March 2020  Effective Immediately upon receipt.  Notice Complied with.

**(b) S215 Untidy Land and Buildings Action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>S215 Notice Details</u></b>	<b><u>Details of Service/Appeal</u></b>
2019\ENQ\00077  Land at, Former Belmont Centre, Cross Street. Monk Bretton. Barnsley. S71 2DY	<ul style="list-style-type: none"> <li>i. Demolish any existing building on the land, disposing of all consequential demolition materials in an environmentally responsible manner.</li> <li>ii. Make safe any hazardous inspection chambers by replacing covers on the land.</li> <li>iii. Repair any existing boundary walls within the curtilage of the land and maintain any vegetation growth.</li> </ul>	<p>S215 Notice issued 18<sup>th</sup> February 2020</p> <p>Effective: 11<sup>th</sup> March 2020</p> <p>Time period for compliance two months. (11<sup>th</sup> May 2020).</p> <p>Notice not complied with to date, a planning application is under consideration for the redevelopment of the site, prosecution action under consideration.</p>

**(c) Legal action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Case Details</u></b>	<b><u>Prosecution Status</u></b>
2020\ENQ\00202  Worsbrough Wood, Worsbrough Road, Barnsley, S70	Non-compliance with enforcement notice relating to formation of unauthorised access points into woodland.	Further enforcement notices served in March 2020 in relation to the unauthorised use as site for storing a caravan for human habitation and associated development  Injunctive action and works in default under consideration due to breach of the Stop Notice.
2018/ENQ/00689  Land Off Sandybridge Lane, Shafton	Change of use of land for residential occupation of caravans and base for recovery business	Prosecution action been sought for non-compliance with the enforcement notice as compliance date passed on 19 <sup>th</sup> February 2020.

**(d) Enforcement Appeals**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Appeal Decision</u></b>
2018/ENQ/00526  Cliffe Lane, Brierley, Barnsley, S72 9HR	Laying of Hardstanding's, walls and block paving for the formation of caravan bays.  Enforcement Notice and Stop Notice issued 25 <sup>th</sup> January 2019	Start letter received 6 <sup>th</sup> May 2020 for the appeals process to begin.  The procedure for this appeal is a Hearing with a future date to be arranged.  The enforcement notice seeks the removal of the caravan bays, fencing, hardstanding and associated development seeking reinstatement of the land.

<p>2018/ENQ/00689</p> <p>Sandybridge Lane, Shafton, Barnsley, S72</p>	<p>Change of use of land for residential occupation of caravans and base for recovery business</p> <p>Enforcement Notice and Stop Notice issued 25<sup>th</sup> January 2019</p>	<p>Appeal Decision received 19<sup>th</sup> November 2019 Dismissed. Time period for compliance amended from 1 month to 3 months by Planning Inspector.</p> <p>Enforcement Notice compliance required by 19<sup>th</sup> February 2020.</p> <p>Notice not complied with – Prosecution/injunctive action under consideration in order to seek removed of caravans, vehicles and materials at the site.</p>
<p>Land adjacent Junction 38 of M1/A637 Huddersfield Road, Haigh, Barnsley, S75 4DE</p>	<p>Change of use of vacant land to base for a highway contractor, road and maintenance depot.</p> <p>Enforcement Notice issued 20<sup>th</sup> April 2018</p>	<p>Appeal Decision received 7<sup>th</sup> November 2019. Appeal Dismissed. Time period for compliance amended from 1 month to 6 months by Planning Inspector.</p> <p>Enforcement Notice compliance required by 7<sup>th</sup> May 2020.</p> <p>2-month extension requested to arrange removal of equipment and material on site due to Covid situation. This would take the compliance date to 7<sup>th</sup> July 2020. Officers have asked for a schedule of works before agreeing any extension of time.</p>
<p>2019\ENQ\000492</p> <p>35 George Street, Goldthorpe, Rotherham, S63 9AY</p>	<p>Development not in accordance with the approved plans and conditions granted by the Council. (pair of semi-detached dwellings)</p> <p>Enforcement Notice issued 7<sup>th</sup> June 2019</p>	<p>Appeal Allowed. Dated 9<sup>th</sup> March 2020</p> <p>Pair of Semi-detached dwellings have been allowed to remain by the Inspector subject to conditions, including provision of obscure glazing and landscaping.</p>

<p>2018\ENQ\00558</p> <p>37 Armroyd Lane, Elsecar, Barnsley, S74 8ET</p>	<p>Without planning permission, the material change of use of land to a mixed use as residential dwelling house and base for motor vehicle sales.</p> <p>Enforcement Notice issued 25<sup>th</sup> June 2019.</p>	<p>Appeal Dismissed, Decision Issued 15<sup>th</sup> April 2020.</p> <p>Compliance period One Month (15<sup>th</sup> May 2020)</p> <p>Steps Required: Cease the unauthorised change of use relating to the sale of motor vehicles at the property and ensure the only vehicles stored at the premises are those directly owned and operated day to day by the registered occupants of the dwelling house.</p> <p>Notice Complied with to date.</p>
<p>2018\ENQ\00556</p> <p>Heritage Court, North side of School Street, Hemingfield, Barnsley, S73 0HZ</p>	<p>The breach of planning control alleged in the notice is without planning permission, the contravention of condition 7 of the grant of planning permission in respect of application 2006/0102. (operating outside of permitted hours)</p>	<p>Appeal Dismissed Decision Issued 23<sup>rd</sup> March 2020</p> <p>Requirements of the Notice:</p> <ul style="list-style-type: none"> <li>(i) Comply with the condition 7 of the grant of planning permission application reference 2006/0102.</li> <li>(ii) Cease the commercial use of the office and warehouse outside of the hours of 08.00 to 17.30 Mondays to Fridays, 09.00 to 13.00 on Saturdays and at no time on Sundays or Bank Holidays.</li> </ul> <p>Notice complied with to date.</p>

<p>2019\ENQ\00472</p> <p>7 Spa Well Grove, Brierley, Barnsley, S72 9LS</p>	<p>Without planning permission, the erection of a fence adjacent to the highway</p>	<p>Appeal Dismissed Decision Issued 16<sup>th</sup> March 2020</p> <p>Time period for compliance One Month (16<sup>th</sup> April 2020)</p> <p>Requirements of Notice:</p> <p>(i) Reduce the height of the existing fence panels (including gravel boards and pillars) that run adjacent to the highway as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>(ii) Reduce the height of the existing fence panels (including gravel boards and pillars) that are affecting the neighbouring properties visibility as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>Site visit required to check compliance with the Notice.</p>
<p>2019\ENQ\00505</p> <p>44 High Street, Bolton Upon Dearne, Barnsley S63 8LJ.</p>	<p>Development has taken place pursuant to planning permission ref: 2018/0581 (Demolition of existing garage and erection of detached annexe/garage to rear of dwelling), granted by the Council on 15th August 2018.</p> <p>However, the development which has been constructed on site is not in accordance with the approved plans and conditions granted by the Council. The development has therefore been constructed in a way which is materially different to that approved by the Council and therefore does not have planning permission.</p>	<p>Appeal Allowed, Decision issued 23<sup>rd</sup> March 2020.</p> <p>Inspector ruled the building causes no harm to wider street scene and considered the building an annex/ancillary to the existing dwelling house.</p>

<p>2019\ENQ\00758</p> <p>30 Huddersfield Road, Barnsley, S75 1DL</p>	<p>Without planning permission, The creation of a vehicular crossing onto a classified road.</p>	<p>Appeal Dismissed. Decision Issued 2<sup>nd</sup> April 2020.</p> <p>Time period for compliance 2 Months (2<sup>nd</sup> June 2020)</p> <p>Steps to be taken are:</p> <ul style="list-style-type: none"> <li>(i) Reinstatement a permanent boundary wall in materials similar to those that were in situ at a similar height prior to the development which will prevent motor vehicle access over the verge to the front garden of the property and;</li> <li>(ii) Remove any related building materials from the land, including those that are obstructing the public footpath.</li> </ul> <p>Compliance period not expired yet, further site visit to be arranged to check reinstatement works.</p>
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**(e) Previous reported cases Now resolved**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Details of Case &amp; Resolution</u></b>
<p>2019\ENQ\00228</p> <p>Land known as 35 Guest Road, Barnsley, S75 2SR</p>	<p>1. Clear the land of any self-setting shrubs, weeds and brambles</p> <p>2. Rebuild and reinstate a permanent boundary such as a brick wall similar to what was in situ previously as per photographs A, B &amp; C</p>	<p>S215 Notice issued 2nd September 2019.</p> <p>S215 Notice complied with and walls rebuilt – Case Closed</p>

2019\ENQ\00682  52 Gawber Road, Barnsley, S75 2AP	1.Felling of all trees (including self-setters) from the gardens  2.Removal of ivy from the external walls  3.Cutting back or poisoning of all overgrown vegetation in the gardens	S215 Notice issued 24th September 2019.  S215 Notice Complied with – Case Closed.
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### **Timescales for Determination of Appeals**

The Planning Inspectorate is taking on average 41 weeks to determine enforcement appeals by written representation and longer for matters considered under the informal hearing and public inquiry procedure. These delays are leading to frustration for complainants, the Council and those wishing to appeal enforcement notices. The Planning Inspectorate has advised us they are working to improve this performance by recruiting additional planning inspectors to deal with appeals. The information above shows that appeals have been moving through the system and we have received a number of appeal decisions in recent months.

### **Enforcement Resource**

Following the Council's application for funds to support the planning enforcement service in late 2019, the application has been successful and funding from the Ministry of Housing Communities and Local Government Planning Enforcement Fund has been granted to the Council. This funding has been utilised to create an additional Planning Enforcement post initially for 18 months but with a view to extending the post if fee income exceeds our current projections. Following a round of recruitment the officer has been in post from December 2019. This additional resource will assist the service to focus on specific projects including S215 untidy land and building issues, and more robust and proactive enforcement work alongside our ambition to increase the number of formal enforcement interventions taken by the Council.

### **Website and customer contact improvements**

Recent improvements have been made to the council's website in accordance with the Digital First agenda and it is now easier for customers to report breaches of planning control on-line. A new e-form enables us to identify the specifics of the complaint more easily and includes the ability for customers to attach photographs of the issues which are causing concern. This improved functionality helps the service assess the issue more quickly and improves customer service. The revised webpage can be found by following this link:

<https://www.barnsley.gov.uk/services/planning-and-buildings/carrying-out-building-work-without-planning-permission/>



## **Conclusion**

The service continues to build on numbers of formal enforcement actions and interventions where appropriate. Cases continue to be assessed in terms of the severity of harm taking place and are prioritised accordingly. There are a number of ongoing cases with formal and legal actions being prepared which will be issued in due course with the details relayed to elected members in future planning enforcement case updates. Please contact the service through the details provided below should you wish to make further enquires in respect of specific cases.

**Email:** [Planningenforcement@barnsley.gov.uk](mailto:Planningenforcement@barnsley.gov.uk)

**Customer Services 01226 773555**

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