

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday 20 December 2022
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

1. Declarations of Interest

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

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 25 October 2022.

### 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. Land to the North of Sheffield Road, Hoyland - Application No 2022.0194 - For Refusal (*Pages 7 - 20*)

### Planning Enforcement

4. Planning Enforcement Report Quarter 2 2022/23 (*Pages 21 - 32*)

### Planning Appeals

5. Planning Appeals - October 2022 (*Pages 33 - 36*)

6. Planning Appeals - November 2022 (*Pages 37 - 40*)

### Member Consultations

7. Member Consultation Report - October 2022 (*Pages 41 - 42*)

8. Member Consultation Report - November 2022 (*Pages 43 - 44*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Bellamy, Bowler, Cain, Coates, Crisp, Danforth, M. Dyson, Eastwood, P. Fielding, Gillis, Greenhough, Hayward, Leech, Lofts, McCarthy, Mitchell, Moyes, Peace, Shirt, Smith, Tattersall, Webster, White and Wray

Matt O'Neill, Executive Director Growth and Sustainability  
Paul Castle, Service Director Environment and Transport  
Kathy McArdle, Service Director Regeneration and Culture  
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 William Ward on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Monday 12 December 2022

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday 25 October 2022
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

**Present** Councillors Richardson (Chair), Bellamy, Bowler, Cain, Coates, Danforth, M. Dyson, Eastwood, P. Fielding, Gillis, Greenhough, Lofts, Moyes, Peace, Smith, Tattersall, Webster, White and Wray

**Site Visits** Councillors Richardson (Chair), Bellamy, Danforth, Eastwood, P Fielding, Greenhough, Lofts, Moyes, Tattersall, Webster and White

**In attendance** Councillors Osborne and Shepherd

### 33. Declarations of Interest

Councillor Moyes declared a Non-Pecuniary interest in **Planning Application No. 2021/1631** – Erection of a new secondary school with associated sports block, sports pitches, hard and soft landscaping, access, parking and drainage, Land of Keresforth Close, Barnsley in view of her membership of the Schools Panel.

The Mayor, Councillor Tattersall, declared a Non-Pecuniary interest in **Planning Application No. 2021/1660** – various works at Old Mill Lane including Old Mill Lane Bridge to the east of the Asda Store, Old Mill Lane Bridge crossing the River Dearne as she had taken part in the consultation on the application and was the former Cabinet Support Member for Environment and Transportation.

### 34. Site Visits

Prior to the meeting, Members of the Regulatory Board made visits to the following sites:

- **Planning Application No. 2021/1660** – Planning application for the Widening of the highway including Old Mill Lane Bridge from three lanes to five lanes to include provision of bus lane and shared pedestrian and cycle paths. Alterations to bridge structure to support extension to bridge deck. Realignment of riverside access track and repositioning of access stairs. Relocation of gas governor, memorial, bus shelter and Asda recycling centre. Removal of trees covered by Tree Preservation Order. Old Mill Lane including Lane Bridge and land to the east of the Asda Store, Barnsley.
- **Planning Application No. 2021/1631** – Erection of new secondary school with associated sports block, sports pitches, hard and soft landscaping, access, parking and drainage, Land off Keresforth Close, Barnsley.

### 35. Minutes

The minutes of the meeting held on 27 September 2022 were taken as read and signed by the Chair as a correct record.

**36. Land off Lowfield Road, Bolton Upon Dearne - 2019/0623 - For Refusal**

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0623** - Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers, Land at Lowfield Road, Bolton Upon Dearne.

Mr R Spears (Applicant) attended the meeting and spoke against the officer recommendation to refuse the application.

**RESOLVED** that the application be refused in accordance with the Officer recommendations namely:

- (i) The proposed development would result in an unacceptable impact on highway safety due to the intensification of use of the railway bridge over Lowfield Road, a known substandard access route. Furthermore, the traffic signal scheme, proposed as mitigation, had been assessed as being unacceptable in highway safety terms, therefore, the development was contrary to Local Plan Policies T4 and HS42 as well as NPPF (July 2021) Paragraph 111; and
- (ii) The applicant had not submitted sufficient details to demonstrate that the impact of the development and associated traffic on the wider highway network, and in particular the Station Road, Angel Street junction, could be adequately mitigated to ensure safe, secure and convenient access and movement as required by local Plan Policy T4.

**37. Land off Keresforth Close, Barnsley, S70 6RS - 2021/1631 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2021/1631** - Erection of a new secondary school with associated sports block, sports pitches, hard and soft landscaping, access, parking and drainage, land off Keresforth Close, Barnsley.

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

**38. Old Mill Lane including Old Mill Lane Bridge and Land to the East of the Asda Store, Barnsley, S71 1LN - 2021/1660 - for Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2021/1660** - widening of highway including Old Mill Lane Bridge from three lanes to five lanes to include provision of bus lane and widening paths. Alterations to bridge structure to support extension to bridge deck. Realignment of riverside access track and repositioning of access stairs. Relocation of gas governor, memorial, bus shelter and Asda recycling centre. Removal of trees covered by Tree Preservation Order, Old Mill Lane including Old Mill Land Bridge to the east of the Asda Store. Old Mill Land Bridge crossing the River Dearne.

**RESOLVED** that the application be granted in accordance with the Officer recommendation subject to conditions and the signing of a S106 Agreement in

relation to compensation for the loss of biodiversity and an additional condition in relation to the re-siting of the memorial following appropriate consultation with the family.

### **39. Planning Appeals - September 2022**

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that one appeal had been received in September, 2022, no appeals had been withdrawn and two appeals had been determined both of which had been dismissed.

The report also gave details of the cumulative appeals totals for the whole of 2022/23 which indicated that 16 appeals had been determined since 1<sup>st</sup> April, 2022, 12 appeals (75%) and been dismissed and 4 appeals (25%) had been allowed.

**RESOLVED** that the report be noted.

### **40. Member Consultation Report - September 2022**

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member Consultation in advance of the Planning Regulatory Board meeting in September, 2022.

**RESOLVED** that the report be noted.

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Chair

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# Item 3

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**Ref 2022/0194**

Applicant: Lidl Great Britain Ltd

Proposal: Erection of a foodstore (use class E(a)) with associated access, car parking and landscaping (Amended Documents November 2022).

Address: Land to the north of Sheffield Road, Hoyland, Barnsley, S74 0PN

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6 objections were received from local residents when the application was originally publicised during February and March of this year. A further 19 objections have been received in response to the amended documentation received November 2022.

## **Site Description**

The application site is a domed, grassed and treed parcel of land that is stated to be 0.86 hectare. Levels are shown to rise by around 2 metres to the high point of the site in the centre/north of the site. The site is located at the junction of Sheffield Road, the A6196 Dearne Valley Parkway and Cross Keys Lane in Hoyland near to M1 Junction 36. Tankersley footpath 10 runs parallel to the northern boundary of the site, some 20-30 metres to the north of that boundary and Tankersley footpath 12 starts/finishes on the south side of Sheffield Road.

The site abuts a residential property to the north. On the other side of Cross Keys Lane there are commercial properties accessed off Cross Keys Lane; and residential properties backing onto Cross Keys Lane and accessed off Regent Court.

The boundaries are defined by a post and rail fence on the Dearne Valley Parkway, Sheffield Road and north boundary with a residential property; and a stone wall on the Cross Keys Lane boundary.

## **Proposed Development**

It is proposed to erect a retail foodstore unit on the eastern side of the site with car parking arranged to the west and south and a servicing bay to the north. A level platform would be created such that levels would be raised at the boundaries by up to 2 metres. A comprehensive landscaping has been submitted which proposes landscaping on the east, south and west boundaries.

The proposed store would provide 1900m<sup>2</sup> of retail floor space across one level. The proposed monopitch roof/building design has been amended to include the use of stone cladding together with grey cladding above eaves level and to the roof. There is a full height glazing to the entrance area.

Customer parking is provided for a total of 104 cars including 6 disabled bays, 9 parent and child bays and 2 electric vehicle charging points. Access is proposed to be taken off Cross Keys Lane.

A significant number of reports have been submitted in support of the application, including retail assessments, air quality and emissions mitigation assessment, a Breeam pre assessment; ecological survey and biodiversity net gain metric, energy and sustainability statement, Coal mining risk assessment, flood risk and drainage assessment, noise impact assessment, planning and retail statements, a transport assessment and technical note and an arboricultural report.

It is implicit that a Section 106 legal agreement would be required to cover the proposed biodiversity net gain contribution and an unspecified mitigation for loss of greenspace, but no draft heads of terms have been submitted.

The proposed development does not fall within any of the descriptions of development set out in Schedule 1 of the EIA Regulations 2017 (as amended). Within Paragraph 2 of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) urban development projects on a site of 1 hectare or more is development which is identified as being required to be assessed against the criteria set out within schedule 3 of the regulations to determine whether the development requires an Environmental Impact Assessment to be undertaken. The proposed development is upon a site which is approximately 0.86 hectare in size. As such the proposed development falls outside the requirement for the LPA to undertake a screening opinion.

## **Planning History**

There is no relevant planning history on the site. It appears that the tree belt across the middle of the site may be related to the mid 1990s construction of the Dearne Valley Parkway.

In response to a pre application enquiry for this development, advice was given that the site appears to function as greenspace, the size of the building and the extent of surface car parking unrelieved by landscaping resulted in a scheme that was considered to be significant overdevelopment resulting in an unsatisfactory appearance at a prominent gateway site; the highly prominent location required a very high quality development with significant landscaping and replacement tree planting; and that the access proposals were viewed unfavourably.

## **Policy Context**

Decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

### Local Plan

The new Local Plan was adopted at the full Council meeting held on 3<sup>rd</sup> January 2019.

The application site is in an area of Urban Fabric as designated in the Local Plan. The site is next to but not within the Hoyland North Masterplan Framework boundary.

The following policies are relevant:

**Policy GD1 General Development** – Development will be approved subject to assessment against a range of criteria, including if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

**Policy D1 High Quality Design and Place Making** – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

**Policy T3 New development and Sustainable Travel** – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

**Policy T4 New development and Transport Safety** – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

**Policy TC1 Town Centres** – indicates that new retail and town centre development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential



approach will be used to assess proposals for new retail and town centre development outside the designated centres.

**Policy TC3 Thresholds for Impact Assessments** – sets thresholds for requiring an impact assessment of retail and leisure uses. In the case of Dodworth, which is a local centre, an impact assessment is only required if the proposal is within the catchment and in excess of 500 sq m gross.

**Policy GS1 Green Space** – indicates that permission will not normally be allowed for development that would result in a loss of green space, unless one of a number of criteria are met.

**Policy BIO1 Biodiversity and Geodiversity** - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

**Policy CC1 – Climate Change** – indicates that we will seek to reduce the causes of and adapt to the future impacts of climate change by a range of measures (including promoting and supporting the delivery of renewable and low carbon energy).

**Policy CC2 – Sustainable Design and Construction** – development will be expected to minimise resource and energy construction through the inclusion of sustainable design and construction features where this feasible and viable. Also sets the requirement that all non-residential development will be expected to achieve a minimum standard to BREEAM ‘Very Good’ and supported by a preliminary assessment at planning application stage.

**Policy CC4 – Sustainable Urban Drainage Systems** – all major development will be expected to use SuDS to manage surface water drainage unless it can be demonstrated that all types of SuDS are inappropriate. The council will also promote the use of SuDS on minor development. Planning applications must be supported by an appropriate drainage plan and SuDS design statement.

**Policy RE1 - Low Carbon and Renewable Energy** – all developments will be expected to incorporate initially appropriate design measures and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon emissions and should at least achieve carbon compliance targets set out in Building Regulations. Also sets out criteria for consideration of renewable energy producing development.

**Policy CL1 Contaminated and Unstable Land** – requires the submission of a report where future users of occupiers of development would be affected by contamination or stability issues, to establish the extent of the issues and set out measures to remove, treat or protect from contamination; or address land stability issues.

**Poll1 Pollution Control and Protection** – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

### **Supplementary Planning Documents**

Parking SPD – gives guidance on parking standards

Open space provision on new housing developments – includes guidance on how we will assess planning applications that propose redevelopment of green space for alternative uses.

Residential amenity and the siting of buildings

## Other planning guidance

### Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance

#### 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. 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.

The NPPF advises that 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.

It includes policies on the need for local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan; and to require a retail impact assessment for retail development outside town centres based on locally set thresholds.

It also includes policies on sustainable transport, indicating that development should only be prevented or refused on highway grounds if there would be unacceptable impacts on highway safety or residual cumulative impacts would be severe; and the requirement for local parking standards; and that applications for development should take into account the need to ensure adequate provision of spaces for charging plug-in vehicles.

It also indicates that planning decisions should contribute to and enhance the natural and local environment including by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

#### **Consultations**

Comments have been received from the following consultees:-

**National Highways** – Originally objected and placed a holding objection. In response to reconsultation confirmed that they offer no objection and conclude that the proposal will not result in a severe impact on the safe and efficient operation of the Strategic Highway Network.

**Highways Development Control:** In response to the amended submission, they consider that that this includes a more robust assessment of new vehicle trip generation. Access arrangements have been amended to move the proposed entrance further from the Cross Keys Lane junction with Sheffield Road, that the Cross Keys Lane junction with Sheffield Road is proposed to be widened to ensure that turning HGVs do not encroach onto the opposing carriageway and that a pedestrian refuge is proposed on Cross Keys Lane. However, the swept-path analysis is not complete as there is no tracking of the manoeuvre left out of Cross Keys Lane; and the tracking shows HGVs will cross both lanes of Cross Keys Lane and the car park access for significant distances.

While both BMBC and National Highways would raise issue with the assertion that vehicle journeys would be split 50/50 between 'pass-by' and 'transferred' trips, it is apparent that even an alternate distribution would not give rise to congestion on the existing network. It is concluded that the impact of the proposal on traffic queues at nearby junctions would be minimal and would not create a significant impact on the existing highway network.

In addition, some issues have been raised previously but remain outstanding including the lack of details of the proposed retaining structures and footbridge which means that Highways DC cannot assess whether the scheme can be safely built. In addition, the proposed point of access has been moved meaning that the red line boundary no longer includes the necessary visibility splays when looking north along Cross Keys Lane. Overall they raise objection to the proposal and recommend refusal as the proposal is in conflict with policy T4 because of the lack of information on vehicular swept paths and bridge construction and because the vehicle tracking shows that vehicles emerging from the site would have to traverse the opposite side of the Cross Keys Lane.

**Pollution Control:** The development has the potential to have an adverse impact on health and the quality of life of those living and/or working in the location and therefore conditions are recommended to restrict hours of construction, to require a noise management plan and to require the measures in the submitted noise impact assessment to be implemented.

The Air Quality Assessment shows that the impacts of the scheme are not significant; and in line with the guidance, mitigation has been provided within the mitigation assessment, to offset the damage cost that have been calculated. This mitigation should not be in the form of electric charging facilities and must be other measures – I agree with those that have been proposed in terms of a Travel Plan, on site cycle storage facilities, and improved highways access to the site are acceptable. The proposed fast (30 minute) charging point with two connections, along with the installation of infrastructure to allow future points should these be required are acceptable. Recommends a condition requiring a report to be submitted and approved confirming the proposed Air Quality Mitigation Measures have been completed.

It does not appear from the information provided that there would be a problem of light intrusion for nearby residents. The detail in the submitted luminaire report is based on a number of assumptions and should the schedule change significantly it would be appropriate to review this.

In addition, the submitted Phase 2 Ground Investigation Report provides adequate evidence of the on-site investigation which did not find any contamination risks. It is concluded that no further information is required in relation to contamination risk.

**Design Officer:** The submitted design character document shows a range of alternative options for the walling materials and roof options. One of the elevation options is split face stone brick with composite cladding which would be acceptable if the two main public elevations were natural stone; the other two elevations could be artificial stone. We would need the exact specification and source of the materials which could be conditioned. However, the submitted proposed elevation drawing shows the use of split stone brick, render and composite cladding. Render would not be a suitable elevation treatment as visually it would be a much lower quality treatment for such a public facing elevation. The submission has not clarified the external finishes to the retaining walls, or of the handrails on top of the retaining walls. Finally, the applicant has not responded to requests for additional cross sections to demonstrate how the proposed changed levels, retaining walls, car parking and landscaping to assist in an assessment of the visual impact of the car park.

**Planning Ecologist –** The Amended Ecological Impact Assessment acknowledges that the development causes a loss of habitat units (-4.44) and states that it will therefore be necessary for off-site contributions to be made to the Local Planning Authority or 3<sup>rd</sup> party landowner to create the required deficit of units off-site. The applicant should provide evidence of their efforts to arrange off-site mitigation from third party landowners prior to an agreement with the LPA being made. This requirement was also set out in a previous consultation response. On that basis their recommendation was that the application is deferred until further information is provided. Further advises that minor changes are required to the landscaping proposal and proposed wildflower grassland.

**SYMAS –** The submitted ground investigation report concludes that no further works are required regarding shallow coal mining, but does set out various recommendations associated with opencast backfill, ground gas and the former quarry high wall. Following consideration of the

report (and provided the Coal Authority has no objections) we have no objections subject to a condition to secure the further intrusive site investigations recommended in the submitted report to inform any necessary mitigation measures that would need to be carried out.

**The Coal Authority** – No objection subject to a pre commencement condition requiring the mitigation measures set out in the submitted ground investigation report to be implemented in full; and a further condition requiring the submission of a declaration that the site has been made safe.

**Tankersley Parish Council** – Objects to the development for reasons of:

Traffic – the proposal will exacerbate the situation on roads that are congested; road infrastructure is insufficient and steps are required to cope with the need to divert traffic in the event of an accident.

Pollution – the proposal will increase traffic congestion, impact on air quality and increase noise pollution in a location where the Parish have previously expressed concerns and objections.

Inadequate infrastructure around Tankersley and the M1 junction – a point previously made by the Parish Council; are there plans to improve the road infrastructure?

**Yorkshire Water** – A water supply can be provided but off-site infrastructure would be required if there was excessive water demand. The submitted flood risk assessment demonstrates that suds are not supported by sub-soil conditions. It requires amendments which can be dealt with by conditions which should be attached to any planning permission to require the site to be developed with separate systems of foul and surface water drainage and a (pre-commencement) condition requiring details of foul water drainage to be submitted and approved.

**Drainage Engineer** – Considers conditional approval is appropriate – a pre-commencement condition requiring details of foul and surface water drainage to be submitted and approved.

**Ward Councillors** – Councillor Lamb and former Councillor Andrews objected to the application on the grounds that:

- Access and egress to and from the site is not suitable and will significantly compromise road safety.
- The site is not large enough to accommodate the building and the car parking
- Noise and disturbance to homes on Regent Court.
- Detrimental effect upon the enjoyment of local residents homes and gardens from the location of the store with floodlit car park.
- The proposed use does not comply with the Local Plan and the Masterplan for the site.

## **Representations**

The application was advertised by way of a site notice (8 to 30 March) and consultation letters which were sent to units/properties near to the proposal site. 6 letters have been received.

The application was further publicised by way of consultation letters direct to properties near to the proposal and people who had commented in response to the original publicity. This was in response to the amended documentation received November 2022. This led to a further 19 objections being received. The letters make the following points:

### Highway safety and access

- Concern about the impact of the access on road and pedestrian safety, additional congestion, conflict with vehicles accessing the Cross Keys public house, the nearby residential streets and other users of Sheffield Road, lack of right turn pocket for vehicles waiting to turn right into Cross Keys Lane, increased traffic and suggest access should be taken from Dearne Valley Parkway.
- Quote the NPPF para 112 which states that applications for development should give priority first to pedestrian and cycle movements and submit that the application fails to do this.
- Reference to Dearne Valley Parkway and Olympus Way being used by boy racers on an evening and at night.

- Concerns about the safety of the retaining walls proposed.
- Concern that provision of pedestrian access from the east will not be adequate.
- Suggest that a central reservation should be provided on the widened Cross Keys Lane.
- The submission does not take into account the development approved but not yet built.
- Dispute the estimate that only 50% would be new traffic; and suggest that a full traffic survey was not conducted and the transport assessment was conducted over a limited time period only.

#### Noise and pollution

- Noise and disturbance including from delivery lorries and air pollution impacts on residents, including a care home, and the local schools in an area that is already suffering from noise and pollution from the recent road building and commercial premises.
- Likely increase in rats and littering.
- Addition to existing light pollution.
- Dispute that the emissions mitigations proposed will apply to any of the local residents that will suffer the consequences.
- The submitted reports clearly indicate that NOx and PM2.5 levels will be higher than the current limit of 40ug/m3.
- Question whether the latest and most up to date NOx readings are available.
- Query whether the necessary legal agreements have been approved for building on this land and whether it was originally Green Belt or Brownfield.
- Likelihood of disturbance if deliveries and waste collections are made during the evening or night.

#### Residential amenity

- Impact on enjoyment of homes and gardens of nearby dwellings.

#### Retail

- The submitted retail studies lack of evidence and justification for the conclusions and assumptions. Dispute the turnover figure calculated for Hoyland Common Co-op.
- Express concern that the submission indicates that Hoyland Common Co-op is under-trading and submit that even a modest loss of trade could impact the stores viability and the amount of linked trips, with significant implications for Hoyland Common health.
- Query the household survey which doesn't seem to have approached local residents and doesn't disclose the proportion of local people consulted.

#### Greenspace

- Loss of greenspace and the amenity value at the entrance to Hoyland Common.

#### Other

- Dispute need given the number of supermarkets in the area, suggest an alternative site is found further from homes and schools such as off Olympus Way or off Dearne Valley Parkway.
- Site is not large enough for the proposed building and parking.
- Lack of a Breeam assessment as required by policy CC2.
- Impact on house prices.
- Conflict with the 'green agenda'.
- The recent developments have taken away enough land, including green spaces, already in the area.
- The site is not allocated for development in the Local Plan and was never included in the original Hoyland Masterplan.
- Request copies of the land registry for the site and when the status of the land changed.
- Impact on users of the Cross Keys public house with possible impact on their business.

### **Assessment**

#### Principle

The application site is not allocated for the proposed purpose of retail use in the Local Plan. Instead, the site is located in an area design: **Page 13** Fabric in the Local Plan and which

appears to function as green space, being a natural area of grass and trees. The submission indicates that the site is in agricultural use, but it is not clear what the nature of that agricultural use is and observations during determination of the application have not revealed any signs of agricultural use. In this context relevant local plan assessment policies include GD1 General Development and GS1 Green Space.

In addition, as the site is outside of the built-up area of the adjacent town of Hoyland and is outside of any defined retail centre, consideration of the principle of development must be considered against retail policies at national and local level which require a sequential assessment and a retail impact test and these submissions are considered under retail policy below.

### Retail policy

The application is supported by sequential and retail impact assessments. The sequential assessment demonstrates that there are no sequentially preferable, suitable and available sites within those centres within a catchment defined by a five-minute drive time isochrone - Hoyland Common, Stairfoot or Hoyland (District) centres. This conclusion is accepted.

The retail impact test concludes that the proposal would not have a significant adverse impact on the vitality or viability of any of the centres in the catchment of the proposed store. This test is based on evidence including a new household survey and on assumptions including about existing shopping patterns, including that visitors are attracted to Hoyland Common by the non-convenience retail uses and follow this up with linked trips to the Co-op, and about the way that shoppers will use the proposed store. It concludes that the most significant trade diversion will be from the Co-op at Hoyland Common, which will amount to a 6.75% loss of convenience goods sales.

Representations made on behalf of Co-op dispute the assumptions that lead to the assessment of the amount of trade draw from Co-op to Lidl, assert that the trade diversion is likely to be greater than the submitted 6.75% and assert that there will be additional impact on the other businesses at Hoyland Common. The assumptions made in the retail impact test that visitors are primarily attracted to the centre by non-convenience retail uses are not supported by any evidence. If this assumption is disregarded then it would be necessary to assess the impact on linked trips from the Co-op to the other businesses at Hoyland Common, and the additional harm that would be caused to Hoyland Common. Since the onus is on the applicant to support their submission with adequate evidence, there is a fundamental weakness in the submitted retail impact assessment.

The applicants have been invited to fund independent retail advice on the assumptions made in your retail impact assessment and the comments that the Co-op agent has made but they have declined. It is concluded that the lack of evidence to support the assumptions in the submitted retail impact assessment

### Highway's considerations

The application has been amended in response to initial comments from National Highways and Highways Development Control, including more up to date surveys and analysis based on agreed committed development in the area. National Highways have confirmed that the proposal would not result in a severe impact on the safe and efficient operation of the Strategic Highway Network. Highway DC advise that the submission demonstrates that the proposals would not give rise to congestion on the existing network, even if the assumptions about the numbers of by-pass and transferred trips were proved incorrect.

However, Highways DC also advise that the submission demonstrates that the proposed access onto Cross Keys Lane would result in HGVs traversing onto the opposite side of road to an extent that the proposal would create problems of safety and efficiency of the highway in conflict with policy T4. In addition, the lack of information on vehicular swept paths and bridge construction also means that the proposals cannot be fully assessed in relation to, and are therefore in conflict with, Policy T4.

## Residential Amenity

The submission includes a number of reports in support of the application including a cross site section plan which demonstrates that the proposal would meet the standards set out in the SPD Residential amenity and siting of buildings in terms of the relationship between the proposed development and the existing houses to the east of the site.

However, the applicant has not submitted a site section showing the relationship between the proposed development and the dwelling to the north and this omission places the proposal in conflict with the requirements of the SPD and policy D1.

The submission also includes a noise report which is based on opening hours of 8am to 10pm Monday to Saturday and 10am to 6pm Sundays and 24/7 deliveries, and also assesses the fixed external plant proposed in a plant compound to the north-east of the proposed Lidl building which will also operate 24/7. A 2.4 metre high solid timber fence is proposed to screen the dwelling to the north from noise generated during unloading from the loading bay situated to the north of the proposed building. It is concluded that the noise report demonstrates that the noises associated with fixed external plant and servicing at the loading bay will be at a 'no observed adverse effect level'. However, the submission does not assess the impact of vehicle movements on the access arrangements which have been amended in that the access off Cross Keys Lane has been moved further north along the Lane, such that cars and lorries visiting the site will drive past the rear garden boundaries of 4 or 5 of those dwellings with the new entrance/exit into the development site being positioned directly opposite and behind them. This intensification of the use of Cross Keys Lane, including use by HGV's, 24/7 deliveries and customer and staff vehicle traffic during the full range of the store's opening times would be incompatible with the reasonable quality of life of those neighbours and cause unacceptable harm to residential amenity in a way that is contrary to the requirements of local plan policy GD1.

## Visual Amenity and Design

The proposal results in the loss of an open, grassed and treed site at a prominent entrance to Hoyland. The submission has been amended to improve the landscaping on the site in an effort to soften the impact of the development. Some changes have been made to the materials of the proposed building, including the introduction of the use of some stone focused at the entrance to the store. However, the building remains largely render which is not considered to be a suitable elevation treatment as visually it would be a poor quality treatment for such a public facing elevation in this setting. In addition, the submission does not clarify the external finishes to the retaining walls, which must be natural stone (and not artificial stone) or to the retaining walls and the handrails on them.

The applicant has also been invited to amend the proposal and to provide additional 'focused' sections to demonstrate the extent to which the design of the layout, boundary treatment and landscaping will soften the impact of the proposed development but has not supplied this information. It is concluded that the lack of information in support of and to clarify the submission leads to concerns that the design of the proposed development would not be of a suitable quality and that the impact of the development, dominated by the surface car park, would be unacceptable, contrary to policy D1.

## Ecology

The ecologist advises that the submitted EIA and BNG biometric confirm that there would be a loss of biodiversity on the site which must be mitigated. The hierarchy approach to mitigation indicates that if biodiversity loss cannot be mitigated on-site then the developer should look first to secure off site mitigation and only if this cannot be secured should a financial offer for off-site contributions be made to the Local Planning Authority. The developer has not attempted to secure off site mitigation themselves but offers to provide off-site contributions to the Local Planning Authority. An amount is not set out in the amended submission but it is understood that the

financial mitigation for the loss of 4.44 biodiversity units amounts to £111,000.00. This sum would need to be secured by S106 legal agreement and together with minor amendments and the use of conditions to secure measures set out in the amended ecological assessment, which would secure no net loss of biodiversity and compliance with policy BIO1. There remains however the conflict with the national mitigation hierarch approach to biodiversity loss mitigation as set out in policy BIO1.

### Green Space

The application site appears to function as green space, as a natural area, which is valuable to the visual amenity of the area. The site is in a location where there is a deficiency in green space and local plan policy GS1 indicates that in such circumstances proposals that result in the loss of green space will not normally be allowed.

The applicant submits that the site cannot constitute green space as it is privately owned with no public access. This is a misunderstanding as sites do not have to be publicly owned and/or accessible to the public in order to function as green space. The applicant accepts that the most recent green space assessment (2016) demonstrates that Hoyland does not have a range of green spaces, including natural areas. However, they submit that the wider site allocations in the vicinity which have outline planning permission and are being developed include the provision of open space. Again, this is a misunderstanding as the green space required by development allocations are either previously performing a green space function and the allocation has secured its retention; or the normal requirement for greenspace to be provided to cater for new residents; or the creation of a new green space as requirement of the loss of an existing green space. The applicant maintains that the provisions in SPD Open space provision in new housing developments which allows for financial compensation for the loss of green space does not apply to this site as it is not a housing development. They do more recently concede that they are prepared to provide mitigation for the loss of green space, but maintain that there is no mechanism for this in policy GS1. No sum of money is proposed as compensation for loss of greenspace – if the principle of the loss of greenspace were accepted, then the SPD indicates that the sum required would be £108,050.00. Accordingly given the lack of information the proposal is in conflict with policy GS1.

### Sustainability

The submission includes the provision of two faster Electric Vehicle Charging Points as well as infrastructure to allow future points and this is considered acceptable. The proposal includes a Breeam assessment which indicates that the building would meet the standard 'very good' required by policy CC2. It is the normal practice of the Council in these circumstances to use a condition that requires submission of official certification on completion of the development to demonstrate that this level has been achieved. However, the applicant indicates that they do not intend to secure any such official certification that this level has been achieved, stating that 'this is the standard which Lidl seek to achieve on all of their new stores and therefore the proposals represent a proven design'. The applicant indicates that together with the submitted Energy and Sustainability assessment, it has been demonstrated that the proposal complies with policy CC2. This assessment indicates that amongst other things, air source heat pumps and photovoltaic panels will be used to generate the stores anticipated annual energy consumption. The only reference to Breeam in this assessment is in relation to the use of water efficient fittings.

Some of the individual elements proposed in the energy and sustainability assessment, including air source heat pumps and photovoltaic panels could be secured by condition. However, the lack of commitment to providing official certification on completion of the development that the Breeam standard has been achieved means that there is a lack of confidence that policy CC2 would be complied with and the proposal is therefore in conflict with this policy.



## Pollution

Pollution Control advise that the submitted Air Quality Assessment demonstrates that the impacts of the scheme are not significant and the proposed mitigation is appropriate and should be secured. This amounts to just in excess of £55,000.00 which will be spent on a travel plan for employees including a travel plan co-ordinator, a pedestrian refuge island on the bellmouth of the widened Cross Keys Lane, 5 covered cycle stands and a footway over a ditch to the west boundary. These improvements would be secured by condition.

They further advise that the submitted report confirms that the current limits for NOx and PM2.5 will not be breached following the development; and confirm that the most up to date information about NOx emissions is available on the Council website in the Annual Status Report.

If permission is granted, conditions requiring the proposed air quality mitigation to be delivered; restricting delivery hours to store opening hours and restricting hours of construction; requiring a noise management plan to be submitted and approved; requiring the mitigation measures in the submitted noise impact assessment to be implemented and requiring the lighting to accord with the conclusions of the submitted luminaire report would be necessary. Subject to these measures Pollution Control have determined not to object having regard to Policy Poll1.

## Other matters

The proposed development is supported by a contaminated land report which did not identify any contaminated land risks and it is concluded that no further information in relation to this matter is required.

The land was formerly an employment proposal in the Unitary Development Plan and is a greenfield site.

The other matters raised by local residents including impact on house prices, littering, noise from anti-social matters and the lack of allocation for development of the site do not raise issues that lead of any other conclusion on the main matters that have led to the overall recommendation.

## Conclusion

The application does not provide evidence of the extent to which the proposal would generate new jobs as opposed to transferring business, and hence jobs, from other shops in the catchment area or elsewhere. As such it is concluded that notwithstanding the benefits from the proposed development, which can be given limited weight, they are outweighed by the adverse impact on highway safety and the loss of greenspace; and the lack of information to demonstrate that the proposal would not harm vitality and viability of the local centre at Hoyland Common, residential amenity of adjacent dwellings, the character and appearance of the area and that the proposal would adequately address biodiversity mitigation and secure sustainable development. It is therefore concluded that the proposal would be contrary to the development plan as a whole and the policies that are most relevant to the assessment of the proposal (most notably policies GD1, GS1, TC1, TC3, D1, BIO1 and T4). The Officer recommendation is therefore one of refusal for the list of reasons below.

## **Recommendation**

**Refuse** for the following reasons

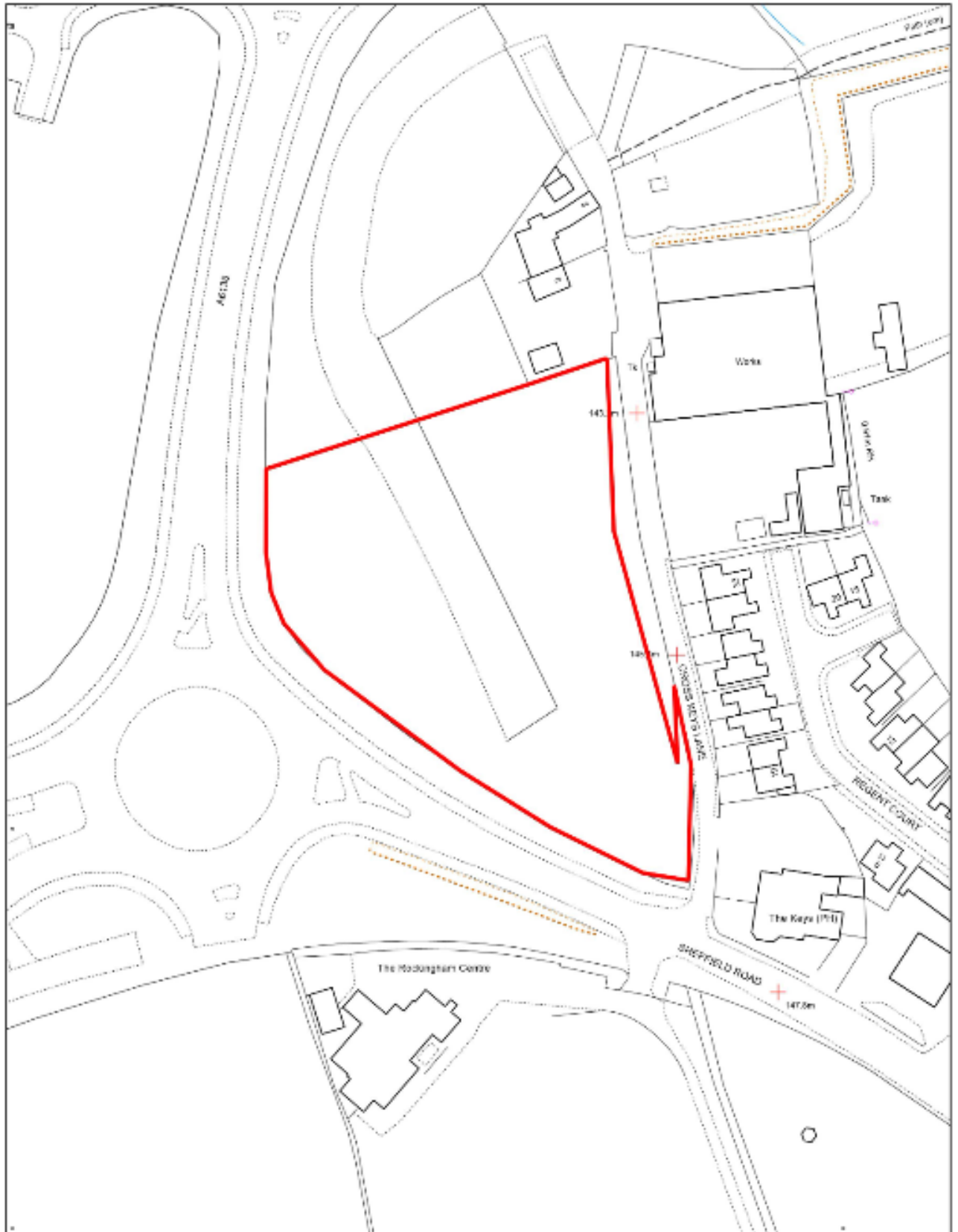
1. The vehicle tracking submitted showing a large commercial vehicle exiting the site to the right demonstrates that drivers would have to traverse the opposite side of the existing adopted highway of Cross Keys Lane for at least 20m. This is in contravention of Policy T4 of the Local Plan insofar as it states "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”.

2. The red line boundary only includes partial connectivity to the adopted highway, excluding the required visibility splay to the north of the new access junction into the site from Cross Keys Lane. Given the lack of information submitted on how the required visibility splays would be safeguarded due to it involving a strip of land located outside of the site boundary, vehicular swept paths and bridge construction, the proposals cannot be fully assessed against Policy T4 of the Local Plan that states “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”.
3. The proposal results in the loss of greenspace in a location where there is a deficit. Local plan policy GS1 indicates that in such circumstances permission will not be allowed unless an appropriate replacement green space is provided. No such provision is made by the proposal nor has the applicant agreed to a specific sum of money in compensation for loss of greenspace to be used by the Council to improve the quantity or quality of greenspace. Accordingly, the proposal is in conflict with the requirements of policy GS1.
4. The proposal results in the significant intensification in the use of Cross Keys Lane by cars and lorries, to the rear of dwellings fronting onto Regent Court. This would be incompatible with the reasonable quality of life of the neighbours and would cause unacceptable harm to residential amenity, contrary to the requirements of local plan policy GD1
5. The submission does not include adequate information in the submitted retail impact assessment to enable a proper assessment of the impact of the proposed development on the nearby centre Hoyland Common, contrary to the requirements of the National Planning Policy Framework and Local Plan policy TC3. Consequently, it has not been demonstrated that the vitality and viability of Hoyland Common will be maintained in accordance with the requirements of Local Plan policy TC1.
6. The submission does not include adequate information about the relationship between the proposed development and the dwelling to the north, contrary to the requirements of SPD Residential amenity and the siting of buildings and local plan policy D1. Consequently, it has not been demonstrated that the proposal will secure a high standard of residential amenity for the existing dwelling to the north.
7. The submission does not include adequate information to demonstrate that the design of the proposed store would have sufficient regard to the character and appearance of the surrounding area or would adequately respond to this prominent location at the entrance to Hoyland.
8. The submission does not include sufficient information to demonstrate that the national mitigation hierarchy approach to evaluation to the impacts of the loss of biodiversity on site has been followed and accordingly the proposal is in conflict with local plan policy BIO1
9. The applicants failure to agree to a condition requiring a post development certification that the Breeam standard ‘very good’ has been achieved means that the applicant has not demonstrated that the proposal will comply with policy CC2.

PA Reference:-

2022/0194



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**BARNESLEY MBC - Regeneration & Property**



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# Item 4

## Planning Enforcement Report to Planning Regulatory Board

### Quarter 2 July 2022 – September 2022 Inclusive

#### Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 2 of the last reporting period 2022/2023 (July 2022 – September 2022). 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 2:

July	2022	82
August	2022	86
September	2022	89

Total number of requests for service Quarter 2 2022/23 **257**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 2 (22/23)	257	131	126

#### Enforcement Statistics, Year on Year

Year (Calendar)	Enforcement Notices Served	Ranking ( of 336 Authorities)
2018	13	78
2019	21	41
2020	19	22
2021	59	7

The service has made good progress progressing formal enforcement actions and this is reflected on the table above which shows an increase year on year, particularly from 2020 when a second planning enforcement officer post was created which has given the service much needed extra capacity and the resilience to respond and deal effectively with breaches of planning control.

On November 10<sup>th</sup>, the Government published the latest planning enforcement statistics for the year to the end of June 2022. Regarding the number of enforcement notices served, Barnsley currently ranks joint 13<sup>th</sup> Nationally and joint 4<sup>th</sup> outside of London. With reference to Temporary Stop Notices served, Barnsley is ranked joint 2<sup>nd</sup> nationally and joint highest in terms of Local Authorities outside London. Indeed, during that period, Barnsley served 29% of all Stop Notices and Temporary Stop Notices in the Yorkshire and Humber Region.

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.

Most 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>2022\ENQ\00239</p> <p>Land at Lund Hill Lane, Royston, Barnsley, S71 4BD otherwise known as Monckton Colliery Site, Lund Hill Lane, Royston, Barnsley, S71 4BD.</p>	<p>Without planning permission, the material change of use of the Land for the importation and storage of construction and other waste materials (The Unauthorised Works).</p>	<p>Enforcement notice served 1<sup>st</sup> July 2022 requiring:</p> <p>(i) Cease the unauthorised use specified.</p> <p>(ii) Remove all waste materials relating to the breach of planning specified in paragraph 3 from the Land.</p> <p>(iii) Restore the Land to its previous condition, prior to the breach of planning control taking place.</p> <p>Notice Effective 1<sup>st</sup> August 2022</p> <p>Time period for compliance 3 Months</p> <p>Appeal submitted</p> <p>Status: Awaiting Determination of Appeal</p>

<p>2022\ENQ\00305</p> <p>Land associated with 433 Rotherham Road, Smithies, Barnsley, S71 1UX</p>	<p>Without planning permission: The material change of use of the Land for the mixed use for residential purposes and for the commercial or non-domestic operation of a swimming Pool.</p>	<p>Enforcement Notice served 14<sup>th</sup> July 2022 requiring:</p> <p>(i) i) Cease the commercial or none-domestic use of the swimming pool. Ensuring the pool is only used incidental to the enjoyment of the dwelling house and for no commercial or hire purposes.</p> <p>Effective 18<sup>th</sup> August 2022.</p> <p>Time period for compliance One Month</p> <p>Status: Notice complied with and commercial bookings have ceased.</p>
<p>2022\ENQ\00177</p> <p>Land on the West side of Sandybridge Lane, Shafton, Barnsley, S72 8PL</p>	<p>Without planning permission, the material change of use of the Land for:</p> <p>i. The siting of caravans for human habitation with associated infrastructure (as marked in Appendix 1).</p> <p>ii. Importation of a skip and a shipping container (as marked in Appendix 1)</p> <p>iii. The storage of vehicles (as marked in Appendix 1) as well as other miscellaneous items and general detritus</p> <p>iv. The erection of outbuildings (as marked in Appendix 1)</p> <p>v. The erection of gates, walls, and fences (as marked in Appendix 1) materials and vehicles.</p>	<p>Enforcement Notice served 21<sup>st</sup> July 2022 requiring:</p> <p>(i) Cease the unauthorised use described in paragraph 3</p> <p>(ii) Remove from the land all caravans and vehicles</p> <p>(iii) Remove from the land all walls and fences and gates on the land</p> <p>(iv) Remove from the land all materials, items</p> <p>Effective: 20<sup>th</sup> August</p> <p>Time Period for compliance: 8 Months</p> <p>Status: Still within compliance period, monitoring</p>

<p>2020\ENQ\00458</p> <p>Land on the East side of Sandybridge Lane, Shafton, Barnsley, S72 8PL</p> <p>Otherwise known as "The Ranch Stables" Sandybridge Lane, Shafton, Barnsley, S72 8PL</p>	<p>Without planning permission, the material change of use of the Land for:</p> <p>i. The siting of two static caravans for human habitation.</p> <p>ii. siting of a horsebox, the erection of stable blocks, the erection of outbuildings and the use of land for an equestrian paddock.</p> <p>iii. The use of the land for "The Ranch Stables" with associated storage of materials, vehicles and animals</p>	<p>Enforcement Notice served 13<sup>th</sup> May 2022 requiring:</p> <p>((i) Cease the unauthorised activity specified in paragraph 3 (i-iii) at the Land.</p> <p>(ii) Remove all unauthorised materials specified in paragraph 3 (i-iii) from the Land; restoring it to its previous condition, prior the breach of planning control taking place.</p> <p>Effective 13<sup>th</sup> May 2022</p> <p>Time period for compliance: 6 months</p> <p>Status: Still within compliance period, monitoring</p>
<p>2021\ENQ\00186</p> <p>348 Barugh Green Road, Barugh Green, Barnsley, S75 1HH</p>	<p>Without planning permission, the erection of an outbuilding with external staircase.</p>	<p>Enforcement Notice served 24<sup>th</sup> August 2022 requiring:</p> <p>(i) Demolish the unauthorised outbuilding as specified in paragraph 3, removing all associated waste from the Land.</p> <p>OR</p> <p>(ii) Carry out remedial works to the unauthorised outbuilding, ensuring that the external staircase is removed and that the structure specified in paragraph 3 is no more than 2.5 metres in height.</p> <p>Effective 23<sup>rd</sup> September 2022</p>



		<p>Time period for compliance; Three Months</p> <p>Status: Still within compliance period</p>
<p>2022\ENQ\00386</p> <p>Land adjacent to All Hallows Church, Church Lane, High Hoyland, Barnsley, S75 4BJ</p>	<p>Without planning permission:  The material change of use of the Land for the siting of caravans, for human habitation ('The Unauthorised Works').</p>	<p>Enforcement Notice served 6<sup>th</sup> September 2022 requiring:</p> <p>(i) Cease the residential occupation of the caravan for human habitation purposes and remove the caravan from the.</p> <p>Time period for compliance: 4 Months</p> <p>Status: Still within compliance period</p>
<p>2020\ENQ\00020</p> <p>9 Clifton Road, Grimethorpe, Barnsley, S72 7EP</p>	<p>Without planning permission, the material change of use of the land and buildings from a residential dwellinghouse (C3 use class) to one of a house in multiple occupation (C4 use class). ("The Unauthorised use").</p>	<p>Listed Building/Enforcement Notice served 13<sup>th</sup> September 2022</p> <p>(Cease the unauthorised use of the Land as a house in multiple occupation (C4 use class) .</p> <p>(ii) Restore the dwelling to its previous condition prior to the change of use taking place; including the restoration of the previous configuration of internal rooms and other domestic facilities.</p> <p>Effective 14<sup>th</sup> October2022</p> <p>Time period for compliance: Four Months</p> <p>Status: Still within compliance period</p>

<p>2022\ENQ\00337</p> <p>Land adjacent to Larford House, Hand Lane, Crane Moor, Sheffield, S35 7ER</p>	<p>Without planning permission; The material change of use of the Land to use for residential purposes incidental to the dwellinghouse.</p>	<p>Enforcement Notice served 14<sup>th</sup> September 2022 requiring:</p> <p>i) Cease the use of the Land for residential purposes incidental to the dwellinghouse</p> <p>(ii) Remove any personal effects and item related to residential use from the Land</p> <p>(iii) Restore the Land and its boundaries to their original condition before the breach of planning control took place.</p> <p>Effective: 14<sup>th</sup> October 2022</p> <p>Time for compliance: Two Months,</p> <p>Status: Still within Compliance Period</p>
<p>2022\ENQ\00250</p> <p>(X2 Enforcement Notices)</p> <p>41 Broomhead Road, Wombwell, Barnsley, S73 0SA</p>	<p>Without planning permission; The material change of use of the Land to a mixed use comprising of; a residential dwellinghouse (C3 use class) and use of a garden outbuilding for holiday accommodation or separate occupation not incidental to the dwellinghouse 41 Broomhead Road, Wombwell, Barnsley (the accommodation also described as a Sunrise Garden).</p>	<p>Enforcement Notice issued 30<sup>th</sup> September 2022 requiring:</p> <p>i) Cease the unauthorised use of the garden outbuilding for holiday occupation or for separate occupation, not incidental to the occupation of the dwellinghouse 41 Broomhead Road, Wombwell, Barnsley.</p> <p>Effective 31<sup>st</sup> October 2022</p> <p>Time period for compliance: Three Months</p> <p>Status: Appeal commenced</p>

	<p>The unauthorised construction of a rear extension to the dwellinghouse 41 Broomhead Road, Wombwell, Barnsley, S73 0SA</p> <p>The construction of a rear garden boundary wall which exceeds 2 metres in height.</p>	<p>Enforcement notice issued 30<sup>th</sup> September 2022</p> <p>(i) Demolish the development described in Paragraph 3.1 to this notice</p> <p>(ii) Remove all waste materials from the Land as a result of complying with Paragraph 5.1 (i).</p> <p>5.2 In relation to the breach in paragraph 3.2 of this notice either;</p> <p>(i) Demolish the boundary wall, or</p> <p>(ii) Reduce the height of the boundary wall to a height not exceeding 2 metres measured from the adjoining ground level</p> <p>(iii) Remove all waste materials from the Land as a result of complying with Paragraph 5.2 (i) and (ii).</p> <p>Effective 30<sup>th</sup> October 2022</p> <p>Details still within compliance period</p>
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<p>2022\ENQ\00276</p> <p>Land to the West side of Clayton Lane, Thurnscoe, Rotherham, S63 0BG</p>	<p>The breach of planning control is the unauthorised change of use of agricultural land for the purposes of the importation of waste material to form an access road to facilitate the stationing of caravans, containers and the storage of vehicles with associated materials</p>	<p>Temporary Stop Notice issued 24th June 2022 requiring all works to cease.</p> <p>Further Legal action being sought.</p>
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**(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>
<p>91 Pye Avenue, Mapplewell Barnsley, S75 6AG</p>	<p>Clearance &amp; maintenance of of Land</p>	<p>7<sup>th</sup> July 2022</p>
<p>52 Wood Lane, Carlton, Barnsley, S71 3JJ</p>	<p>Clearance &amp; maintenance of of Land</p>	<p>7<sup>th</sup> July 2022</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  27 Ashbourne Road, Mapplewell, Barnsley, S71 3DQ	Non-compliance with S215 Notice	Court Hearing: September 2022  Magistrates adjourned hearing until 26 <sup>th</sup> January 2023 to allow property owner to complete remedial works. Court will review progress thereafter and council officers to visit property prior to court hearing.
Land at Clayton Lane, Thurnscoe, S63 0BG	Unauthorised use of land for residential occupation of caravans	Court hearing August 2022, interim injunction granted to prevent further works to the land and for the use of the land to cease.  Status: ongoing subject to challenge, next court hearing 26 <sup>th</sup> January 2023

**(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>
2021/ENQ/00354  APP/R4408/F/22/3294269  Lemon Tree, 5 Peel Square, Barnsley, S70 2QT	Unauthorised works to a Listed Building	Appeal Decision issued 11 <sup>th</sup> July 2022  Appeal dismissed  “The current signage has an appreciably greater harmful impact on the character, special interest and significance of the listed building than the previous signage. Overall, for the

		reasons given above I find that individually and cumulatively the unauthorised works have had an adverse effect on the special interest and significance of the listed building.
2021/ENQ/00615 APP/R4408/C/22/3295994 Elsecar Cricket Club The Pavilion, Armroyd Lane, Elsecar, S74 8ES	Without planning permission; the material change of use of the Land for the purposes of stationing storage containers used to accommodate a snack bar and shop.	Appeal Decision issued 12 <sup>th</sup> July 2012  Appeal Allowed

### **Compliance Monitoring**

Enforcement Notices served 2022/23 (year to date)	Enforcement Notices Complied with 2022/23
44	23

The remaining notices may be subject to revised planning applications, appeals or where partial compliance has already been achieved. Most Enforcement notices are usually complied with in the specified period, but on occasion it will be necessary for the service to pursue legal action.

### **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 increasing numbers of appeals have been moving through the system with several appeal decisions now received. A number of formal hearings have now taken place or dates have been set which should allow these cases to progress.

### **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**

Quarter 2 of 22/23 has continued to see consistent high demand for investigations and enforcement action which is reflected in the high level of development taking place within the borough. The service now ranks 4<sup>th</sup> highest nationally (excluding London Authorities) in terms of formal actions taken to ensure effective enforcement. The service has issued 63 enforcement notices in the last financial year (2021/22) and will seek to continue to work with elected members and local communities to achieve the desired outcomes. The number of formal actions undertaken by the service has significantly increased prior to additional resources being devoted to planning enforcement and this is filtering through to an increase in appeal work and the number of appeal decisions being received.

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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# Item 5

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

October 2022

#### APPEALS RECEIVED

5 appeals were received in October 2022:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>
2022/0344	Demolition of existing garage outbuilding and erection of 2no semi-detached dwellings and associated works including access from Rother Croft (Outline seeking approval over means of access and layout)  <b>Land to the rear of 55 Market Street (fronting Rother Croft), Hoyland, Barnsley, S74 0ET</b>	Written Reps	Delegated
2022/0496	Variation of condition 1 of application 2021/1175 (Erection of detached garage (Part Retrospective)) to allow for alteration to roof  <b>343 Darton Lane, Mapplewell, Barnsley, S75 6AW</b>	Written Reps	Delegated
2022/0732	Erection of 1no. dwelling following demolition of stables  <b>Land off Old Anna Lane, Work Bank Lane, Thurlstone, Sheffield, S36 9RR</b>	Written Reps	Delegated
2022/0766	Retrospective application for siting of caravans for residential purposes  <b>Land off Clayton Lane, Thurnscoe, Barnsley, S63 0RU</b>	Written Reps	Delegated
2022/0782	Upward extension of roof ridge and eaves height at side and rear of dwelling to create attic bedroom within the roofspace, rear dormer extension and rooflights to front	Written Reps	Delegated

#### APPEALS WITHDRAWN

0 appeals were withdrawn in October 2022.

#### APPEALS DECIDED

3 appeals were determined in October 2022:

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2021/1465	Erection of 20m high telecommunications monopole with wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works (Application to determine if prior approval is required) <b>Vernon Road, Worsbrough, Barnsley, S70 5BB</b>	Dismissed 18.10.2022	Delegated
2021/1195	Change of use from use class C3 dwellinghouse to use class C4 - 5 no. bedroom House of Multiple Occupation (Retrospective) <b>4 Spencer Street, Kingstone, Barnsley, S70 1QX</b>	Dismissed 27.10.2022	Delegated
2021/1472	Demolition of 49 Woodstock Road and residential development of 5no dwellings (Outline with matters reserved apart from means of access) <b>49 Woodstock Road, Wilthorpe, Barnsley, S75 1DX</b>	Allowed 31.10.2022	Delegated

### **2022/2023 Cumulative Appeal Totals**

- 19 appeals have been decided since 01 April 2022
- 14 appeals (74%) have been dismissed since 01 April 2022
- 5 appeals (26%) have been allowed since 01 April 2022

	<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
1	2021/0713	Wrap around balcony to rear of house <b>34 Staincross Common, Staincross, Barnsley, S75 6NA</b>	Dismissed 01.04.2022	Delegated
2	2021/1243	Display of double-sided freestanding 48-sheet sized digital LED advertising unit <b>Land at Westway, Corner of New Street, Barnsley, S70 1SW</b>	Dismissed 29.04.2022	Delegated
3	2021/1335	Erection of front porch and creation of access to parking space to front (Part Retrospective) <b>4 Sycamore View, Sheffield Road, Oxspring, Barnsley, S36 8YW</b>	Allowed 29.04.2022	Delegated
4	2021/1276	Change of use of agricultural building to dwellinghouse (C3) (Prior Notification) <b>Elmhirst Farm, South Lane, Cawthorne, Barnsley, S75 4EF</b>	Dismissed 17.05.2022	Delegated
5	2021/1108	Erection of extension to eaves and roof height of dwelling to create attic bedroom within the roofspace and provision of associated rooflights <b>3 Colster Close, Gawber, Barnsley, S75 2LR</b>	Dismissed 09/06/2022	Delegated
6	2021/1221	Erection of detached outbuilding (Lawful development certificate for a proposed development) <b>Gransden House, Church Street, Royston, Barnsley, S71 4QZ</b>	Allowed 06/06/2022	Delegated
7	2020/1221	Residential development of 28 no dwellings and associated works <b>Land south of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ</b>	Allowed 19/07/2022	Committee

8	2022/0140	New pair of free standing illuminated 48-sheet digital advertisement displays. <b>Land at Shambles House, Shambles Street, Barnsley, S70 2RN</b>	Dismissed 25/07/2022	Delegated
9	2021/0892	Demolition of existing detached treble garage and erection of replacement one and a half storey outbuilding with a first floor located within the roof space. <b>362 Pontefract Road, Lundwood, Barnsley, S71 5JY</b>	Dismissed 27/07/2022	Delegated
10	2021/0791	Erection of bungalow <b>Rear of 109 Barnsley Road, Wombwell, Barnsley, S73 8JH</b>	Dismissed 09/08/2022	Delegated
11	2021/0940	Erection of detached outbuilding to rear housing garage and garden room at ground floor and store within roof space <b>21 Mount Vernon Crescent, Worsbrough Common, Barnsley, S70 4DN</b>	Allowed 17/08/2022	Delegated
12	2022/0141	The erection and display of a single wall-mounted 48-sheet sized digital LED advertising unit. <b>92 Sheffield Road, Near Junction with Taylor Row, Barnsley, S70 1HY</b>	Dismissed 17/08/2022	Delegated
13	2022/0214	Additional level to part of building and associated alterations. <b>The Cottage, The Kennels, Renald Lane, Hoylandswaine, Sheffield, S36 7JX</b>	Dismissed 18/08/2022	Delegated
14	2021/1156	Erection of 1no dwelling (Outline with All Matters Reserved) - Resubmission of application 2021/0465 <b>11 Willow Bank, Barnsley, S75 1EF</b>	Dismissed 30/08/2022	Delegated
15	2022/0159	Change of use of part of house (garage) to beauty salon with external changes <b>7 Longwall Close, Mapplewell, Barnsley, S75 6NY</b>	Dismissed 27.09.2022	Delegated
16	2021/1437	Change of use from residential (C3) to guest house (C1) <b>131 Dodworth Road, Barnsley, S70 6HL</b>	Dismissed 30.09.2022	Delegated
17	2021/1465	Erection of 20m high telecommunications monopole with wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works (Application to determine if prior approval is required) <b>Vernon Road, Worsbrough, Barnsley, S70 5BB</b>	Dismissed 18.10.2022	Delegated
18	2021/1195	Change of use from use class C3 dwellinghouse to use class C4 - 5 no. bedroom House of Multiple Occupation (Retrospective) <b>4 Spencer Street, Kingstone, Barnsley, S70 1QX</b>	Dismissed 27.10.2022	Delegated
19	2021/1472	Demolition of 49 Woodstock Road and residential development of 5no dwellings (Outline with matters reserved apart from means of access) <b>49 Woodstock Road, Wilthorpe, Barnsley, S75 1DX</b>	Allowed 31.10.2022	Delegated



# Item 6

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

November 2022

#### APPEALS RECEIVED

4 appeals were received in November 2022:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>
2022/0571	Erection of two storey side extension to dwelling <b>19 Worsbrough Road, Birdwell, Barnsley, S70 5RF</b>	Written Reps	Delegated
2022/0796	Proposed replacement of existing 11.8m high EE/H3G L30 Lamp post. Proposed EE/H3G 20m high AGL Phase 7 monopole complete with wraparound cabinet to be installed on root foundation and associated ancillary works (Application to determine if prior approval is required for a proposed telecommunications installation) <b>Salisbury Street, Junction of Salisbury Street, Huddersfield Road, Barnsley, Wilthorpe, S75 1AH</b>	Written Reps	Delegated
2022/0532	Change of use of agricultural land to allow for caravan storage <b>Land at Hazelhead Hall Farm, Lee Lane, Millhouse Green, Sheffield, S36 9NN</b>	Written Reps	Delegated
2022/0466	Conversion and alterations of former barn to residential tourist accommodation <b>Little Doubting Farm, Hartcliff Hill Road, Penistone, Sheffield, S36 9FS</b>	Written Reps	Delegated

#### APPEALS WITHDRAWN

0 appeals were withdrawn in November 2022.

#### APPEALS DECIDED

1 appeal was determined in November 2022:

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
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2021/1619	Erection of 20m high telecommunications monopole, 12no. antennas, equipment cabinets and associated ancillary development to replace existing rooftop installation adjacent <b>SW Houghton Road, Houghton Road, Thurnscoe, Rotherham, S63 0JX</b>	Dismissed 15.11.2022	Delegated
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### **2022/2023 Cumulative Appeal Totals**

- 20 appeals have been decided since 01 April 2022
- 15 appeals (75%) have been dismissed since 01 April 2022
- 5 appeals (25%) have been allowed since 01 April 2022

	<b>Audit</b>	<b>Details</b>	<b>Decision</b>	<b>Committee/ Delegated</b>
1	2021/0713	Wrap around balcony to rear of house <b>34 Staincross Common, Staincross, Barnsley, S75 6NA</b>	Dismissed 01.04.2022	Delegated
2	2021/1243	Display of double-sided freestanding 48-sheet sized digital LED advertising unit <b>Land at Westway, Corner of New Street, Barnsley, S70 1SW</b>	Dismissed 29.04.2022	Delegated
3	2021/1335	Erection of front porch and creation of access to parking space to front (Part Retrospective) <b>4 Sycamore View, Sheffield Road, Oxspring, Barnsley, S36 8YW</b>	Allowed 29.04.2022	Delegated
4	2021/1276	Change of use of agricultural building to dwellinghouse (C3) (Prior Notification) <b>Elmhirst Farm, South Lane, Cawthorne, Barnsley, S75 4EF</b>	Dismissed 17.05.2022	Delegated
5	2021/1108	Erection of extension to eaves and roof height of dwelling to create attic bedroom within the roofspace and provision of associated rooflights <b>3 Colster Close, Gawber, Barnsley, S75 2LR</b>	Dismissed 09/06/2022	Delegated
6	2021/1221	Erection of detached outbuilding (Lawful development certificate for a proposed development) <b>Gransden House, Church Street, Royston, Barnsley, S71 4QZ</b>	Allowed 06/06/2022	Delegated
7	2020/1221	Residential development of 28 no dwellings and associated works <b>Land south of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ</b>	Allowed 19/07/2022	Committee
8	2022/0140	New pair of free standing illuminated 48-sheet digital advertisement displays. <b>Land at Shambles House, Shambles Street, Barnsley, S70 2RN</b>	Dismissed 25/07/2022	Delegated
9	2021/0892	Demolition of existing detached treble garage and erection of replacement one and a half storey outbuilding with a first floor located within the roof space. <b>362 Pontefract Road, Lundwood, Barnsley, S71 5JY</b>	Dismissed 27/07/2022	Delegated
10	2021/0791	Erection of bungalow	Dismissed	Delegated

		<b>Rear of 109 Barnsley Road, Wombwell, Barnsley, S73 8JH</b>	09/08/2022	
11	2021/0940	Erection of detached outbuilding to rear housing garage and garden room at ground floor and store within roof space <b>21 Mount Vernon Crescent, Worsbrough Common, Barnsley, S70 4DN</b>	Allowed 17/08/2022	Delegated
12	2022/0141	The erection and display of a single wall-mounted 48-sheet sized digital LED advertising unit. <b>92 Sheffield Road, Near Junction with Taylor Row, Barnsley, S70 1HY</b>	Dismissed 17/08/2022	Delegated
13	2022/0214	Additional level to part of building and associated alterations. <b>The Cottage, The Kennels, Renald Lane, Hoylandswaine, Sheffield, S36 7JX</b>	Dismissed 18/08/2022	Delegated
14	2021/1156	Erection of 1no dwelling (Outline with All Matters Reserved) - Resubmission of application 2021/0465 <b>11 Willow Bank, Barnsley, S75 1EF</b>	Dismissed 30/08/2022	Delegated
15	2022/0159	Change of use of part of house (garage) to beauty salon with external changes <b>7 Longwall Close, Mapplewell, Barnsley, S75 6NY</b>	Dismissed 27.09.2022	Delegated
16	2021/1437	Change of use from residential (C3) to guest house (C1) <b>131 Dodworth Road, Barnsley, S70 6HL</b>	Dismissed 30.09.2022	Delegated
17	2021/1465	Erection of 20m high telecommunications monopole with wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works (Application to determine if prior approval is required) <b>Vernon Road, Worsbrough, Barnsley, S70 5BB</b>	Dismissed 18.10.2022	Delegated
18	2021/1195	Change of use from use class C3 dwellinghouse to use class C4 - 5 no. bedroom House of Multiple Occupation (Retrospective) <b>4 Spencer Street, Kingstone, Barnsley, S70 1QX</b>	Dismissed 27.10.2022	Delegated
19	2021/1472	Demolition of 49 Woodstock Road and residential development of 5no dwellings (Outline with matters reserved apart from means of access) <b>49 Woodstock Road, Wilthorpe, Barnsley, S75 1DX</b>	Allowed 31.10.2022	Delegated
20	2021/1619	Erection of 20m high telecommunications monopole, 12no. antennas, equipment cabinets and associated ancillary development to replace existing rooftop installation adjacent <b>SW Houghton Road, Houghton Road, Thurnscoe, Rotherham, S63 0JX</b>	Dismissed 15.11.2022	Delegated

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# Item 7


## BARNSELY METROPOLITAN BOROUGH COUNCIL

### SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE OCTOBER 2022 PLANNING REGULATORY BOARD MEETING

#### LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2022/0898	Erection of free standing sign for the Glass Works multi storey car park, <b>Grass Verge adjacent to entrance to The Glass Works multi storey car park, Lambra Road, Barnsley, S70 1SF</b>  Summary of consultation comments received:-  1. No comments received	To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.
2022/0939	Single storey extension to side of existing dwelling and associated works including new driveway to front of dwelling with fence modifications and dropped kerb, creation of new footpath around new extension, level access to rear door and blocking up of landing window at <b>127 Neville Avenue, Kendray, Barnsley, S70 3HT</b>  Summary of consultation comments received:-  1. No comments received	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.

**Signed:**



**Joe Jenkinson**  
**Head of Planning and Building Control**

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# Item 8

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE NOVEMBER 2022 PLANNING REGULATORY BOARD MEETING

#### LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2022/0723	<p>Reconfiguration of building frontage to create wheelchair access ramp and associated works including balustrades, new steps and removal of existing front boundary wall at <b>Former Council Offices, Commerce House, Westgate, Barnsley, S70 2DJ</b></p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"><li>1. Two comments received raising no objections to the proposal and expressing support for it.</li></ol>	<p>To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.</p>

**Signed:**



**Joe Jenkinson**  
**Head of Planning and Building Control**

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