

MEETING:	Planning Regulatory Board
DATE:	Tuesday 20 February 2024
TIME:	2.00 pm
VENUE:	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 - 4*)

To receive the minutes of the meeting held on 21 November 2023.

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 or by telephoning (01226) 772593.

3. 58 Lundhill Road, Wombwell, Barnsley - Application No 2023/0523 - For Approval (*Pages 5 - 18*)

Variation of condition 20 (landscaping) of application 2022/0608 (development of 235no homes) to allow changes to number of trees felled and planted.

Planning Appeals

4. Planning Appeals Quarter 3 2023/24 (*Pages 19 - 22*)

Planning Enforcement

5. Planning Enforcement Report Q3 2023/24 (*Pages 23 - 32*)

Member Consultation

6. Member Consultation Report November 2023 (*Pages 33 - 34*)

7. Member Consultation Report December 2023 (*Pages 35 - 36*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Bowler, Coates, K. Dyson, Greenhough, Hayward, Leech, Lofts, McCarthy, Mitchell, Moore, Morrell, O'Donoghue, Peace, Risebury, Smith, Sumner, Webster, Wilson, A. Wray, C. Wray, N. Wright and P. Wright

Matt O'Neill, Executive Director Growth and Sustainability
Paul Castle, Service Director Environment and Transport
Kathy McArdle, Service Director Regeneration and Culture
Garry Hildersley, Head of Planning, Policy and Building Control
Matthew Smith, Group Leader, Development Control
Andrew Burton, Group Leader (Inner Area), Development Management
Bob Power, Senior Legal Officer (Locum)
Katie Rogers, Head of Communications and Marketing

Parish Councils

Please contact Mel Bray on email governance@barnsley.gov.uk

Monday 12 February 2024

MEETING:	Planning Regulatory Board
DATE:	Tuesday 21 November 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Bowler, Coates, K. Dyson, Greenhough, Leech, Lofts, McCarthy, Mitchell, Morrell, O'Donoghue, Peace, Smith, Sumner, Wilson, A. Wray, C. Wray, N. Wright and P. Wright

In attendance

Councillors Shepherd and Osborne

91. Declarations of Interest

Councillor A. Wray declared a Non-Pecuniary interest in **Planning Application No 2023/0753** – Land to the east of Sheffield Road, Hoyland Common, Barnsley as he resides close to the site.

92. Minutes

The minutes of the meeting held on 26 September 2023 were taken as read and signed by the Chair as a correct record.

93. Land to the east of Sheffield Road, Hoyland Common, Barnsley - 2023/0753 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2023/0753** - Proposed Community Sports Facility including single storey multi use building, all weather sports pitch with floodlights, two no. temporary storage containers and associated car parking and landscaping at Land to the east of Sheffield Road, Hoyland Common, Barnsley.

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

Councillor Sumner voted against the recommendation.

94. Planning Appeals Quarter 2 2023/24

The Head of Planning and Building Control submitted an update regarding cumulative appeals totals for 2023/24.

The report indicated that 3 appeals had been received between July and September 2023. No appeals had been withdrawn between July and September 2023. Between July and September 2023 a total of 8 appeals had been determined, 1 of which had been allowed and 7 appeals had been dismissed.

The report provided the details of cumulative appeal totals for 2023/24, which indicated that 13 appeals had been decided since the start of April 2023. Of those, 9 appeals (69%) had been dismissed and 4 appeals (31%) had been allowed.

RESOLVED that the update be noted.

95. Member Consultation Report September 2023

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meetings held in September 2023.

RESOLVED that the report be noted.

96. Member Consultation Report October 2023

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in October 2023.

RESOLVED that the report be noted.

Chair

Item 3

2023/0523

Applicant: Miller Homes.

Description: Variation of condition 20 (landscaping) of application 2022/0608 (development of 235no homes) to allow changes to number of trees felled and planted

Site Address: 58 Lundhill Road, Wombwell, Barnsley, S73 0RJ.

Site Description

The site consists of 58 Lundhill Road and the former high school site for Wombwell which was closed in 2012 when it merged with the former Darfield Foulstone School on a new site known as Netherwood ALC. The site is set over three platforms with the upper platform being where the school previously stood.

Planning permission was originally granted for 235no. homes in 2020 under planning reference 2019/0089. Subsequent amendments to the scheme to amend the house types and provide minor layout and design changes was approved under planning application 2022/0608. Work has commenced on the scheme so at present construction works are ongoing on site in line with the previous permission.

The north-west boundary is predominantly defined by the rear boundaries of existing residential development along Roebuck Street with the northern end of this edge abutting Wombwell Park Street Primary School. The north-eastern edge of the site abuts residential development. The eastern edge of the site is formed by Gypsy Lane. The south eastern edge is defined by rear boundaries of residential development along Lundhill Road. The south west boundary is open parkland.

Planning Application History

2022/0608: - Variation of conditions 2, 6, 20 and 22 of 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 space) to allow for a number of minor amendments to layout, housetypes, boundary treatments, garages and materials approved 31/01/23

2019/0089- Demolition of existing bungalow and the development of 235 no. dwellings with formation of new access, car parking, landscaping and public open space (Amended Plans and Description)- Approved subject to legal agreement- 20/04/2020.

2012/1007 – Demolition of Wombwell High School (prior notification)- Grant prior approval- 18/01/2013.

2012/1225 – Formation of temporary haul road to facilitate demolition of school- Approve for a temporary period- 18/01/2013.

Proposed Development

Planning permission was granted on 30th April 2020 for the development of 235 no. dwellings with formation of new access, car parking, landscaping, and public open space.

Miller Homes (the applicant) purchased the site after the approval of the original planning application. As Miller Homes had their own housetypes they applied to amend the design of the original houses on the scheme to fit their brand which also resulted in some minor alterations to boundary treatments and layout. This was considered acceptable on planning grounds and the relevant planning application was approved. Work therefore started on site in relation to the approved scheme.

Whilst on site the developer noted issues with the ability to construct a part of the internal road network and woodland footpath in the northern section of the site without resulting in a greater impact on the trees than had previously been approved. This application was therefore to seek permission for the removal of additional trees with the applicant's putting forward the following reasons for the additional loss:

"1. To accommodate the installation of a soft batter to address the level change between the area of woodland in the north-east corner and the adjacent highway;
2. To accommodate the installation of the woodland path, which will require the removal of some inner woodland trees along its route; and
3. To ensure specific plots can achieve the levels of amenity required for a residential dwelling."

The initial submission proposed a loss of 160 trees over and above the trees that had agreed to be removed as part of the previous approvals. Through the assessment of the application this figure has been challenged and the applicant has worked positively to find alternative ways to implement the highway and woodland path in order to reduce the tree loss. This has resulted in the proposal for a 1:2 batter next to the highway and the re-assessment of the trees within the woodland area to see how the path could be incorporated within minimal tree loss. The amended submission now proposes a loss of 82 trees but with a replacement planting of 160 trees over and above the previously approved re-planting scheme. This means that for every tree lost almost two will be put back in their place.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF (2023) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

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

Site Allocation: MU6 Mixed Use

The policy seeks to secure 250 dwellings and 2 ha for a primary school. Development is expected to provide a new access and any necessary highway interventions at Lundhill Road and Park Street.

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 10% of new homes to be built in Wombwell

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure

Policy H7 'Affordable Housing' seeks 10% affordable housing in Wombwell.

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

Policy GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

Policy BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

-Design of Housing Development
-Parking

- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Design of Housing Development
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide.

NPPF (2023)

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.

Sections of relevance would be:

- Section 5 – Delivering a sufficient supply of homes
- Section 11 – Making effective use of land
- Section 12 – Achieving well designed places

Consultations

Drainage – No objections subject to compliance with original drainage conditions

Highways – Have agreed in principle the use of the 1:2 batter and have therefore raised no objections to the scheme

Tree Officer – Acknowledges the efforts that have been made to reduce the tree loss since the original submission. Initial concerns on the tree loss for woodland path have now been removed as considers that the tree loss has been minimised and only trees of little value are implicated. However, retains a concern to the loss of trees for the highway batter on principle grounds that this should have been addressed in the original application.

Biodiversity Officer - Given the reduction in loss of trees from the original submission, and the replacement planting proposed, and in comparison to the previously approved scheme, no significant concerns are raised

Ward members – In relation to the original submission all Ward Members raised concerns on the following grounds:

- Loss of visual amenity
- Negative impact on biodiversity

- Insufficient re-planting
- Previous conduct of developers

In relation to the amended submission Cllr Higginbottom has provided a further response to state the following:

“I note the proposed reduction in the number of trees to be felled from 160 to 82 and the proposed planting of 162 trees to replace those lost. This represents an on-site replacement ratio of 1:2 as is a welcome amendment to the proposals, bringing the total number of new trees to be planted on-site to 344. It is clear that the applicant has taken into consideration the views of elected members and residents who raised significant and legitimate objections to the original application.

I appreciate that residents may still have concerns about the proposed felling on 82 trees on-site, particularly where those are mature trees and would have otherwise provided a screen to existing properties, creating a negative impact on the visual amenity of said properties. There may also be concerns about the adverse impact on biodiversity given the loss of mature trees especially.

I must stress that at no stage are my comments in respect of the viability of housing delivery at this site. The original planning application, approved in 2020, gave the applicant permission to build 235 dwellings and it is clear that those are viable, given that a substantial number of those are constructed and in the process of being marketed.”

Representations

This application was advertised by a site notice and neighbour notification letters. 11 residents wrote in on the original submission with the following concerns:

- Impact on wildlife
- Trees needed for shade
- Trees needed for privacy
- Too many trees proposing to be lost
- Insufficient re-planting proposed
- Lack of time to respond and difficulty reading plans
- Developers not abiding to planning regulations

A number of the comments also raised issues that weren't connected to the planning proposal but related to issues during construction including increase in noise, dust, and pollution and the impact in increase of construction traffic, especially on Gypsy Lane

A re-consultation has been carried out on the amended scheme. At the time of preparing the two residents had written in on the amendments stating that their original objections still remained. Members will be updated at Planning Board on any further representations that are received.

Assessment

Principle of development

The application site has planning permission for 235 dwellings and associated works and a material start has been made on site so that permission remains extant. As such the principle of residential development of the site for 235 dwellings has been

established and this is known legally as 'a fallback position'. The application before Members does not seek to alter the number of dwellings, the access into the site, or any of the S106 contributions that were secured as part of the previous planning permissions which includes provision for affordable housing, education contributions, open space provision, and sustainable travel. These will all remain as previously approved and the original S106 retains a clause which ensures that any future applications to amend the scheme would still be bound by the requirements of the S106.

This application seeks amendments to the scheme which would result in the further loss of 82 trees compared to the previous approvals. The scheme also proposes replacement planting of an additional 160 trees compared to the previous approvals. The areas of the site affected by the proposals can be categorised into 3 sections which are assessed below:

The woodland path

An area of woodland exists in the northern section of the site. Through the previous permissions it was intended to create a woodland path through this area to provide a valuable amenity provision for residents. In order to create a suitable path that can be accessed by all the developer has stated that further trees would need to be removed. Initially this was proposed to be 55 trees but during the course of the application the developer has re-assessed the woodland area and been able to provide a suitable path that only requires an additional 15 trees to be removed. The level of tree removals has been greatly reduced and the work undertaken by the applicants arboriculturist has ensured that only trees of little value are implicated to accommodate what is proposed. Sufficient tree cover will remain on the boundary with the primary school to the north and the housing to the west to ensure adequate privacy remains for these uses. This part of the scheme has not received any objections from the Council's Tree Officer or Biodiversity Officer.

The woodland area next to the highway

Part of the internal road layout abuts the southern border of the woodland area within the site, directly opposite plots 191 to 197. The approved scheme requires the highway to be of sufficient width to provide two way traffic, footpath and a visitor parking area. There are level differences between the highway and woodland area which requires a batter (embankment) to be erected to ensure the road is structurally safe and secure. In the initial submission of this application the developer submitted details of a 1:3 gradient batter which would have resulted in the loss of 85 trees. Further discussions were held with the developer and a 1:1 gradient batter was looked at but was not accepted by the Council's Highways Section as it was not considered appropriate for construction reasons. Instead the applicant has now put forward a 1:2 gradient batter that has reduced the additional tree loss to 48 trees.

It is acknowledged that this is the greatest area of tree loss and it is disappointing that the reports submitted with the original approved scheme did not highlight that this could be an issue. The current developers (Miller Homes) were not the same applicants that submitted the original application and it is acknowledged that on large sites such as these that issues can only become apparent when work commences on site. It is, however, necessary to ensure the road is safe and secure for vehicles and pedestrians and that a suitable pathway can be provided into the woodland area. It would also be necessary to ensure the development can be completed and provide a significant number of homes, including affordable homes, to this area of the borough. This has to be balanced against the loss of the trees.

Areas around plots 211 and 235

The remaining 19 trees proposed to be felled are located close to plots 211 and 235. Twelve of these trees are around Plot 235 which is the plot closest to the proposed batter. Part of the reason for the loss of these trees is to facilitate the batter but for other trees it is to ensure that future residents achieve satisfactory amenity standards in terms of adequate light to their properties and garden areas. These trees were not in visually prominent positions and it is considered that suitable replacement planting would mitigate for their loss. The 7 trees to be lost next to Plot 211 are also for amenity reasons and would have been visible along Gypsy Lane but the scheme proposes additional planting along Gypsy Lane which would ensure suitable vegetation is retained along this lane.

Planning balance

It is recognised that the loss of further trees compared to the previous approval has resulted in concerns from residents, ward members and the tree officer given the value that trees have in terms of visual amenity, wildlife, and other amenities such as shade and privacy. It is considered that this would carry moderate weight against the proposal. However, the developer has looked at various alternatives to reduce the tree loss which has resulted in a substantial reduction in the number of trees to be removed from the original submission. In addition, they are proposing to replant 160 trees throughout the site which equates to almost 1:2 replacement for the trees lost. Once established and completed the site will therefore have 80 additional trees on site compared to the previous approvals.

The impact on wildlife has been considered and the Council's Biodiversity Officer is satisfied that the replacement planting will provide sufficient mitigation for wildlife and has raised no objections to the proposal. The Council's Highways Section have raised no objections to the proposal which will facilitate the provision of a suitable road layout to serve the development and a suitable access and woodland path to provide amenity value to the residents.

The loss of trees and replanting of trees is not considered to impact on existing residents' residential amenity due to the distance from the existing properties. The Council's Drainage section have also raised no objections to the scheme and are not concerned that the tree loss of replanting would impact on the drainage systems for the development.

A number of residents have raised concerns about issues during the construction works that are on going on site. These would be separate matters to this planning application but concerns that have been raised on this topic have been dealt with by the Council's Enforcement Section.

In terms of the planning considerations it is considered that the mitigations proposed in terms of the replacement planting, and the ability to provide a suitable highway, woodland walk, and amenity value for the future residents, along with the development of additional homes in this area, would carry great weight in favour of the proposal and, in this instance, would be considered to outweigh the loss of the trees.

Recommendation

Grant subject to conditions:

1. The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved:

- Location Plan 1876.02 Rev B
- Planning Layout Rev i (drawing 001)
- Materials Plan Rev K (drawing 003) - Boundary Treatment Rev H (drawing 002) (- Management Company Plan 1876.10 Rev C
Update with the latest reference of the BWB AMS once received.
- Single Garage (drawing no. SG1) received on 14/12/2022
- Twin Garage (drawing no. TG1) received on 14/12/2022
- House Type -Overton (drawing no. 302C801S)
- House Type -Masterton (drawing no. 304N801S)
- House Type -Kingston (drawing no. 305T801S)
- House Type -Eaton (drawing no. 309T801S)
- House Type -Blackwood (drawing no. 406C801S)
- House Type - Maplewood (drawing no. 411N801S)
- House Type - Oakwood (drawing no. 415C801S)
- House Type - Baywood (drawing no. 417T801S)
- House Type -The Ridgemont (drawing no. AT02801S)
- House Type -The Claymout (drawing no. AT03801S)
- House Type -The Langston (drawing no. AT04801S)
- Air Quality Assessment LDT2312
- Landscape Detail Sub Station R/2195/2General Arrangement / Plan & Elevations C993899 Rev B
- Landscape Masterplan R-2678-1J
- Landscape Details R-2678-2A
- POS Landscape Details R-2678-12E
- 1-2 batter for S3 Tree Application (Rev A)
- Cover letter dated 30th January 2024
- Arboricultural Method Statement and Protection Plan dated January 2024

unless required by any other conditions in this permission.

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

2. Within four weeks of the date of this decision, plans to show the following levels shall be submitted to the Local Planning Authority for approval; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the details approved by the LPA.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.

3. The development hereby approved shall be carried out in strict accordance with the dust management plan detailed within the Construction Method Statement, Site Management and Environmental Plan (REV B- received 24/10/2022) which details how dust will be controlled during the construction stage of the site. The applicant shall strictly adhere to the details as agreed. Prior to work commencing the

applicant shall ensure that there is an adequate supply of water at the site and shall provide the LPA of details of this.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

4. The development hereby approved shall be carried out in accordance with the noise management plan contained within the Construction Method Statement, Site Management and Environmental Plan (REV B- received 24/10/2022) which details how noise will be controlled during the construction stage of the site and the Proposed Temporary Construction Access drawing (CMP) REV B received on 21/12/2022 which shows the location of the temporary generator. The applicant shall strictly adhere to the details as agreed.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

5. The approved scheme for the parking of bicycles in accordance with Planning Layout Rev i shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3.

6. Within four weeks of the date of this decision, full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption shall be submitted to in writing to the LPA for approval. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety in accordance with Local Plan Policy T4.

7. Within four weeks of the date of this decision, details of a scheme of works to improve visibility at the junction of Lundhill Road with Park Street/Wath Road shall be submitted to in writing to the Local Planning Authority for approval. The works shall be completed in accordance with the details approved by the LPA and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safe, secure and convenient access and movement, in accordance with Local Plan Policy T4.

8. The development hereby approved shall be carried out in strict accordance with the approved Dilapidation survey of the condition of the adopted highway by Sherwood Oak Consulting Ltd to be used by construction traffic. On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.

9. The development hereby approved shall be carried out in accordance with the following information approved in writing by the LPA on 12th October 2023:

- a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.

No part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

10. The development hereby approved shall be carried out in strict accordance with the remediation scheme (ref Eastwoods 47055) by Eastwood Consulting Engineers.

Reason: To protect the environment and ensure the site is suitable for the proposed end use.

11. 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.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection

12. 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 areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

13. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

14. Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision 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.

15. Prior to first occupation of the development hereby permitted the on-site car parking and paths shall be laid out in accordance with the approved plan, surfaced in a bound material that is permeable or drained into the site and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking and pedestrian areas in interests of highway safety in accordance with Policy T4.

16. Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Lundhill Road in accordance with the details of the completion plan approved in writing by the LPA on 29th September 2023, reference 811174-01-RP(A) Road Phasing Plan.

Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.

17. Prior to first occupation of the development hereby permitted, electric vehicle charging points (Mode 3) shall be installed in accordance with the details approved in writing by the LPA on 29th September 2023. The EVCP shall be retained thereafter for that specific use.

Reason: In interests of promoting sustainable travel opportunities in accordance with Policy T3.

18. Notwithstanding the Construction Method Statement (REV B) submitted, a revised CMS detailing the Section 278 works and interface with the construction access shall be submitted to and approved in writing prior to the above ground construction of dwellings. The revised statement shall be adhered to throughout the construction period.

Reason: In the interests of retaining highway efficiency and safety in accordance with Policy T4.

19. Notwithstanding the Tree Protection Plan hereby approved, the development shall be carried out in complete accordance with Landscape Masterplan drawing no. R/2678/1H. Unless otherwise agreed in writing by the Local Planning Authority, the landscaping works shall be fully implemented in accordance with the approved details prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

20. 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.

21. The development hereby approved shall be carried out in accordance with the details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development approved in writing by the Local Planning Authority on 27th April 2023.

Reason: In order to ensure compliance with Local Plan Policy I1.

22. The development hereby approved shall be carried out in accordance with the approved 'drainage strategy statement' 0425/87tn1 dated 21/7/22 which rules out surface water discharge to watercourse and soakaway and that surface water will discharge to public surface water sewer at two points on the surface water network, each with a restricted rate of discharge not to exceed 3.5 litres per second respectively.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

23. The development hereby approved shall be carried out in strict accordance with the underground utility mapping survey (92290-001) dated 24/04/2022 and the development/ existing infrastructure plan (ENG-001) dated 11/08/2022 which demonstrate measures to protect the public water supply infrastructure within the site boundary. The development shall be implemented in accordance with the approved details.

Reason: In the interest of public health and maintaining the public water supply.

24. The development hereby approved shall be carried out in accordance with the approved CEMP by BWB dated October 2022. The development shall be implemented in accordance with the mitigation measures identified in the Preliminary Ecological Appraisal (MRB Ecology and Environment, January 2019) (excluding additional surveys) and Additional Ecological Information (FDCR, January 2020), including the timetable for their implementation, approved in writing by the Local Planning Authority on 6th December 2023.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1.

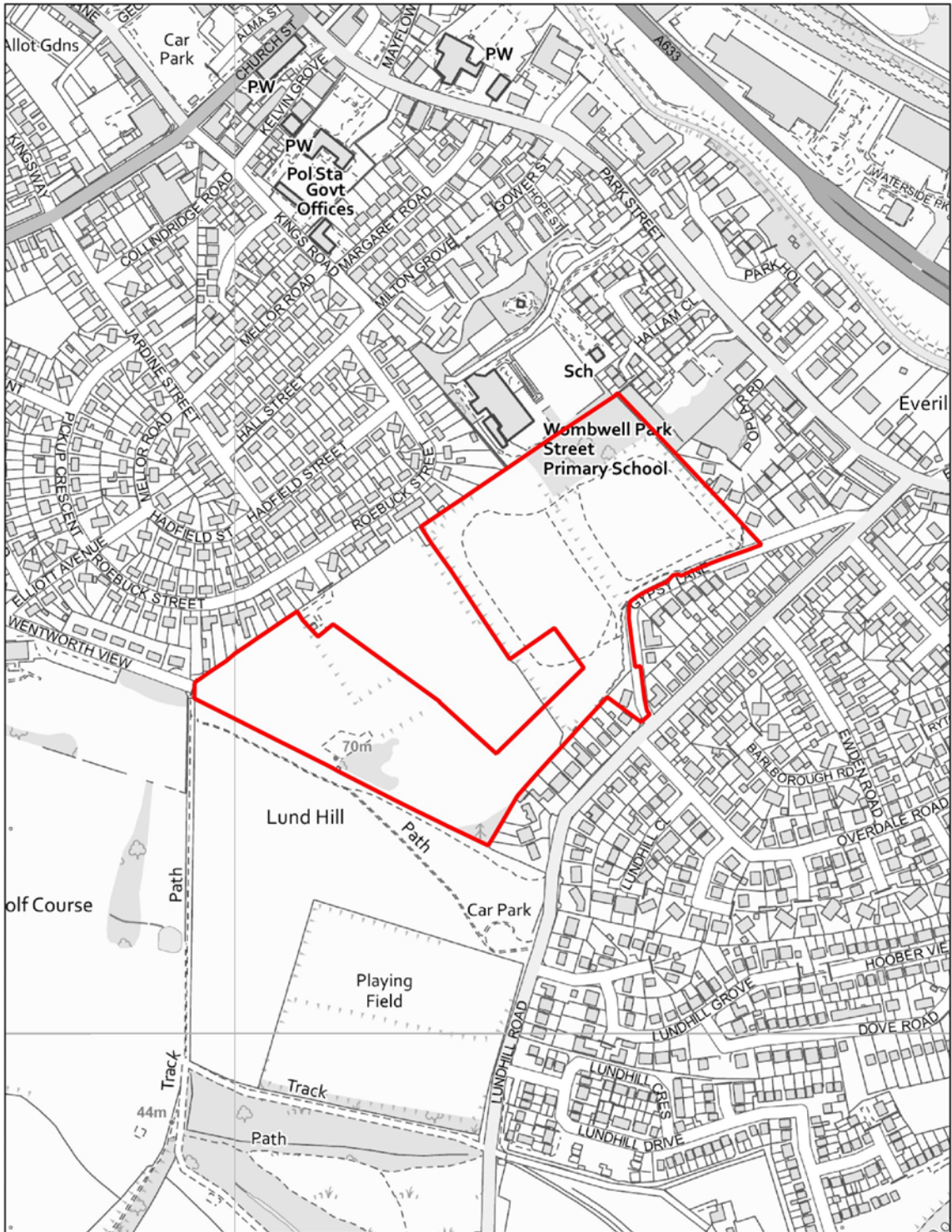
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 1-20 on Planning Layout Rev i, which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.

Reason: To allow the impact on residential amenity to be fully assessed in accordance with Local Plan Policy D1.

27. Notwithstanding the revised material layout (rev D) hereby approved, the development shall consist of a minimum of two facing materials and two tiles in

accordance with the details approved in writing by the Local Planning Authority on 27th April 2023..

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.



BARNSELY MBC - Regeneration & Property



Scale: 1:4465

Item 4

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS – Q3 October- December 2023

APPEALS RECEIVED

3 appeals were received between Oct and Dec 2023

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2023/0737	Erection of internally illuminated advert measuring 3m x 6m 119 High Street, Wombwell, Barnsley, S73 8HS	Written Reps	Delegated
2023/0887	Erection of single storey rear extension 41 Broomhead Road, Wombwell, Barnsley, S73 0SA	Written Reps	Delegated
2023/0769	Installation of 1 x 48 sheet free-standing LED illuminated display panel (measuring 6.2m wide x 3.2m high) The Outpost, 2 Union Street, Barnsley, S70 1JJ	Written Reps	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn between Oct and Dec 2023

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>

APPEALS DECIDED

9 appeals were determined between Oct and Dec 2023

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2022/1295	Erection of detached outbuilding (garden room) 9 Tenter Hill, Thurlstone, Sheffield, S36 9RG	Allowed 03.10.2023	Delegated
2022/0770	Erection of a detached two-bedroom bungalow (outline with all matters reserved) 69 Welland Crescent, Elsecar, Barnsley, S74 8AE	Dismissed 13.10.2023	Delegated
2022/0293	Change of use of land to form surface car park (116 marked bays) and installation of associated traffic light-controlled junction within Old Mill Lane	Dismissed 24.10.2023	Delegated

	Land at Old Mill Lane, Barnsley, S71 1PJ		
2022/0949	Outline application for erection of detached dwelling with all matters reserved 59 Huddersfield Road, Darton, Barnsley, S75 5NG	Dismissed 04.12.2023	Delegated
2022/0117	Demolition of stables and associated structures and erection of dwelling (Resubmission) Land off Royd Moor Road, Thurlstone, Sheffield, S36 9RY	Dismissed 31.10.2023	Delegated
2023/0164	Erection of detached double garage to front of dwellinghouse 105 Saville Road, Dodworth, Barnsley, S75 3PZ	Dismissed 13.11.2023	Delegated
2022/1082	Change of use of outbuilding to allow use for recreational activities as a personal trainer 12 Newark Close, Staincross, Barnsley, S75 6NN	Dismissed 27.11.2023	Delegated
2022/0709	Erection of 1 no. detached dwelling Land adjacent 15 Beaver Lane, Gawber, Barnsley, S75 2RP	Dismissed 28.11.2023	Delegated
2022/0342	Outline application for erection of community facility and cafe Land off Mortimer Road, Midhonestones, Sheffield, S36 4GW	Dismissed 07.12.2023	Delegated

2023-24 Cumulative Appeal Totals

- 22 appeals have been decided since 1st April 2023
- 17 appeals (77%) have been dismissed since 1st April 2023
- 5 appeals (23%) have been allowed since 1st April 2023

	Audit	Details	Decision	Committee/ Delegated
1	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) Land to the rear of 55 Market Street (fronting Rother Croft), Hoyland, Barnsley, S74 0ET	Dismissed 14/04/2023	Delegated
2	2022/0361	Conversion of existing detached garage into granny flat residential annex with associated internal and external alterations including new windows and doors Ivy Cottage, 14 First Avenue, Royston, Barnsley, S71 4DA	Allowed 14/04/2023	Delegated
3	2022/0532	Change of use of agricultural land to allow for caravan storage Land at Hazelhead Hall Farm, Lee Lane, Millhouse Green, Sheffield, S36 9NN	Dismissed 05/05/2023	Delegated

	Audit	Details	Decision	Committee/ Delegated
4	2022/0937	Erection of single storey sider/rear extension and erection of chimney stack positioned on roof plane of the extension (Amended plans compared with previously approved application 2022/0098) 3 Hall Place, Monk Bretton, Barnsley, S71 2EX	Allowed 20/06/2023	Delegated
5	2022/0660	Installation of payment machine, ANPR camera and solar panel, battery box and associated infrastructure Langsett Flouch Car Park, Langsett, Sheffield	Allowed 28/06/2023	Delegated
6	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 wrapround cabinet to be installed on root foundation and associated ancillary works (Application to determine if prior approval is required for a proposed. Salisbury Street, Junction of Salisbury Street, Huddersfield Road, Barnsley, Wilthorpe, S75 1AH	Dismissed 10.07.2023	Delegated
7	2022/0766	Retrospective application for siting of caravans for residential purposes. Land off Clayton Lane, Thurnscoe, Barnsley, S63 0RU	Dismissed 10.07.2023	Delegated
8	2022/1243	Installation of a 48-sheet freestanding digital advertisement signboard The Time and Place, Old Mill Lane, Barnsley, S71 1LL	Allowed 21.07.2023	Delegated
9	2022/0314	Erection of outbuilding to rear of dwelling to be used as a store, games area and hobby workshop (Application for a Lawful Development Certificate for a Proposed Development) 4 Burton Crescent, Monk Bretton, Barnsley, S71 2QD	Dismissed 14.08.2023	Delegated
10	2021/0427	Detached outbuilding in rear garden (Part Retrospective). 10 Acorn Avenue, Thurnscoe, Barnsley, S63 0AU	Dismissed 16.08.2023	Delegated
11	2022/0503	Residential development of 1no detached two storey dwelling and associated works (Outline seeking approval over means of access and layout) 119 Cross Lane, Royston, Barnsley, S71 4AR	Dismissed 24.08.2023	Delegated
12	2022/0969	Erection of a detached two storey dwellinghouse and associated works. Land adjacent to 2 Overdale Avenue, Worsbrough, Barnsley, S70 4BB	Dismissed 24.08.2023	Delegated
13	2019/0623	Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers. Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF	Dismissed 13.09.2023	Committee
14	2022/1295	Erection of detached outbuilding (garden room) 9 Tenter Hill, Thurlstone, Sheffield, S36 9RG	Allowed 03.10.2023	Delegated

	Audit	Details	Decision	Committee/ Delegated
15	2022/0770	Erection of a detached two-bedroom bungalow (outline with all matters reserved) 69 Welland Crescent, Elsecar, Barnsley, S74 8AE	Dismissed 13.10.2023	Delegated
16	2022/0293	Change of use of land to form surface car park (116 marked bays) and installation of associated traffic light-controlled junction within Old Mill Lane Land at Old Mill Lane, Barnsley, S71 1PJ	Dismissed 24.10.2023	Delegated
17	2022/0949	Outline application for erection of detached dwelling with all matters reserved 59 Huddersfield Road, Darton, Barnsley, S75 5NG	Dismissed 04.12.2023	Delegated
18	2022/0117	Demolition of stables and associated structures and erection of dwelling (Resubmission) Land off Royd Moor Road, Thurlstone, Sheffield, S36 9RY	Dismissed 31.10.2023	Delegated
19	2023/0164	Erection of detached double garage to front of dwellinghouse 105 Saville Road, Dodworth, Barnsley, S75 3PZ	Dismissed 13.11.2023	Delegated
20	2022/1082	Change of use of outbuilding to allow use for recreational activities as a personal trainer 12 Newark Close, Staincross, Barnsley, S75 6NN	Dismissed 27.11.2023	Delegated
21	2022/0709	Erection of 1 no. detached dwelling Land adjacent 15 Beaver Lane, Gawber, Barnsley, S75 2RP	Dismissed 28.11.2023	Delegated
22	2022/0342	Outline application for erection of community facility and cafe Land off Mortimer Road, Midhopstones, Sheffield, S36 4GW	Dismissed 07.12.2023	Delegated

Item 5

Planning Enforcement Report to Planning Regulatory Board

Quarter 3 October – December 2023 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 3 of the last reporting period 2023/2024 (October 2023 – December 2023). 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 3:

October	2023	50
November	2023	55
December	2023	53

Total number of requests for service Quarter 3 2023/24 **158**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 (23/34)	158	88	70

A comprehensive update and benchmarking against other local authorities was provided in the QTR 2 (July-Sep 22/23) report to planning board in January 2023. This latest report brings planning board up to date on formal actions taken in QTR 3 and the details of cases with formal actions are outlined below.

Summary of Case Activity

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

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Service/Appeal</u>
2023\ENQ\00276 Pudding Poke Farm, Hay Green Lane, Birdwell, Barnsley, S70 5XE	Without planning permission: The material change of use of the Land for the siting and use for human habitation of a chalet/Lodge ('The Unauthorised Use').	Notice issued 9 th October 2023 requiring: Cease the use of the Land described in paragraph 3 of this notice and remove the chalet/Lodge along with any associated items from the Land.

		<p>Effective: 13th November 2023</p> <p>Time period for compliance: Four Months</p> <p>Status – Appeal submitted, awaiting determination</p>
<p>2023\ENQ\00069</p> <p>Land on the north-east side of Mackey Lane, Shafton, Barnsley, S72 9LD</p>	<p>Without planning permission, The carrying out of the following development:</p> <p>(i)The use of the Land for the human habitation of Caravans and storage of associated items and vehicles.</p> <p>And</p> <p>(ii)Operational Development comprising of the construction of walls and gates, the laying of aggregate/hardcore, the creation of a new access, and the laying of utility services.</p>	<p>Enforcement notice served 10th October 2023 requiring:</p> <p>(i) Cease the use of the Land for the human habitation of caravans and the storage of associated items and vehicles.</p> <p>Remove from the Land all Caravans and associated stored items and vehicles.</p> <p>Demolish/remove all the Unauthorised Works, described in paragraph 3(ii) of this notice.</p> <p>Remove from the Land any waste or other materials arising from performance the undertaking of works set out at of paragraph 5(iii)</p> <p>Cultivate the Land and sow agricultural grass seed across the site to assimilate the Land back into the wider environment.</p> <p>Notice Effective 2nd December 2023</p> <p>Time period for compliance Three Months</p> <p>Status: Appeal Lodged</p>

<p>2023\ENQ\00308</p> <p>46-48 Windermere Road, Barnsley, S71 1EF</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>Enforcement notice served 12th October 2023 requiring:</p> <p>Cease the unauthorised use of the Land as a house in multiple occupation (C4 use class).</p> <p>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 internal domestic facilities</p> <p>Effective 12th November 2023</p> <p>Time period for compliance Five Months</p> <p>Status: Monitoring</p>
<p>2023\ENQ\00392</p> <p>131 Dodworth Road, Barnsley, S70 6HL</p>	<p>The unauthorised material change of use of the land and buildings to a house of multiple occupation has taken place in the absence of planning permission, despite a refusal of application number 2021/1437.</p>	<p>Enforcement Notice served 18th October 2023 requiring:</p> <p>Cease the unauthorised use of the Land as a house in multiple occupation.</p> <p>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 internal domestic facilities.</p> <p>Effective 18th November 2023</p> <p>Time period for compliance Four Months</p> <p>Status: Monitoring</p>

<p>2023\ENQ\000418</p> <p>Land Buildings on the north east side of Barnsley Road, Wombwell, Barnsley, S73 8EP</p>	<p>Without planning permission, The erection of a fence adjacent to the highway exceeding one metre in height as shown in the approximate location, edged blue on Appendix 1. (The Unauthorised Development)</p>	<p>Enforcement Notice served 6th November 2023 requiring:</p> <p>Either:</p> <p>Remove the fence from the Land,</p> <p>OR</p> <p>Reduce the height of the existing fence panels (including gravel boards and pillars) to the panels to a maximum height from ground level of 1 metre.</p> <p>Effective 6th December 2023</p> <p>Time Period for compliance: One Months</p> <p>Status: fence lowered but works remain to be completed.</p>
<p>2023\ENQ\000442</p> <p>Land on the North East side of Hall Close, Worsbrough Road, Worsbrough, Barnsley, S70 5LN and Land on the east side of Hall Close, Worsbrough, Barnsley, S70 5LN (“the Land”)</p>	<p>The vehicular access that has been created adjacent Worsbrough Road and near to the junction with Hall Close, crosses the verge and introduces significant Highway Safety concerns</p>	<p>Enforcement Notice served 28th November 2023 requiring:</p> <p>Remove the hard surface and the access to Worsbrough Road and remove from the Land any material arising from this step.</p> <p>Remove from the Land all materials stored on the Land in connection with the development (shown by the arrows in the photographs to Appendix 1)</p> <p>Reinstate the Land to its previous condition prior to the breach of planning control occurring (as shown in the photographs taken May 2023 attached in Appendix 2) by laying top soil and spreading</p>

		<p>agricultural grass seed at the Land</p> <p>Effective 27th December 2023</p> <p>Time period for compliance: one month</p> <p>Status: Monitoring</p>
<p>2021\ENQ\000411</p> <p>5 Woodroyd Gardens, Wombwell, Barnsley, S73 0HB</p>	<p>Without planning permission, the material of change of use of the Land to a mixed use of a dwellinghouse and as the base for the operation of an engineering business.</p>	<p>Enforcement Notice served 30th November 2023 requiring:</p> <p>Cease the use of the Land as a base for an engineering business</p> <p>Cease all commercial activity on the Land</p> <p>Remove from the Land all vehicles, equipment and materials associated with the use of the Land as a base for an engineering business.</p> <p>Effective 30th December 2023</p> <p>Time period for compliance: 2 months</p> <p>Status: Monitoring</p>
<p>2021\ENQ\00090</p> <p>Land on the North West side of Shaw Lane, Carlton, Barnsley, S71 3HG</p>	<p>3(i) Operational Development comprising of: excavations to alter the profile of the land, importation and deposit of waste materials and the creation of a hard surface (hard surface shown in the photographs in Appendix 1), as well as the erection of fences (shown in Appendix 1) and a gate (also show in Appendix 1) on the Land.</p> <p>3(ii) The change of use of the Land to use for the residential occupation of caravans and the storage of vehicles,</p>	<p>Enforcement Notice served 1st December 2023 requiring:</p> <p>In relation to paragraph 3(i) of this notice:</p> <p>Remove the hard surface and the fence and gates from the Land.</p> <p>Remove from the Land any materials or waste arising from the compliance with paragraph 5.1(i)</p> <p>Restore the Land to its previous profile and condition</p>

	<p>timber huts, gas bottles, children's toys, detritus, and other domestic items association with the residential use of the Land (shown in photographs referenced Appendix 1).</p>	<p>including cultivation with topsoil and the spreading of agricultural grass seed.</p> <p>5.2 In relation to paragraph 3(ii) of this notice:</p> <p>Cease the use of the Land for the residential occupation of caravans.</p> <p>Remove the caravans and vehicles from the Land.</p> <p>Remove the timber huts, children's toys, gas bottles, detritus, and other domestic items from the Land.</p> <p>Effective 31st December 2023</p> <p>Time Period for compliance 3 Months</p> <p>Status; Appeal Lodged</p>
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(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
<p>2023-ENQ-000365</p> <p>The land known as 24 Sackville Street, Barnsley, S70 2DB (Former Pub)</p>	<p>Clearance & maintenance of Land – Dilapidated</p>	<p>4th October 2023</p> <p>Two Months to Demolish Pub and clear site/remove materials</p>
<p>2023\ENQ\000335</p> <p>The land known as 6 Princess Grove, Pilley, Barnsley, S75 3BG</p>	<p>Clearance & maintenance of Land</p>	<p>30th October 2023</p> <p>4 weeks to improve/maintain land</p>
<p>2023\ENQ\000334</p> <p>The land known as 17 Lundhill Grove, Wombwell, Barnsley, S73 0QZ</p>	<p>Clearance & maintenance of Land</p>	<p>22nd November 2023</p> <p>4 weeks to improve/maintain land</p>
<p>2023\ENQ\00474</p> <p>The land known as 145 Brierley Road, Grimethorpe, Barnsley, S72 7AE</p>	<p>Clearance & maintenance of Land</p>	<p>20th December 2023</p> <p>3 Months to Demolish Buildings and clear/secure land</p>

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
2020\ENQ\00202 27 Ashbourne Road, Mapplewell, Barnsley, S71 3DQ	Non-compliance with S215 Notice	Court Hearing - Trial: 3 rd August 2023 The Magistrates found after trial that defendants have no grounds for appeal. They explained to the defendant that the Local Authority are required to act in these circumstances. Since 2019 there is no prospect of work completed. The defendant had had ample time to remedy this The LA have not acted unreasonable in their request under s215 TCPA 1990. <u>The Magistrates ordered the defendant pay the Authority's costs totalling £1268 .</u>
Land at Clayton Lane, Thurnscoe, S63 0BG	Unauthorised use of land for residential occupation of caravans	Court hearing August 2023, interim injunction granted to prevent further works to the land and for the use of the land to cease. Status: injunction granted pending enforcement planning appeal determination, further date set February 2024

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
APP/R4408/C/22/3304164 Land at Lund Hill Lane, Royston, Barnsley S71 4BD otherwise known as Monckton Colliery Site, Lund	The breach of planning control as alleged in the notice is the material change of use of the Land for the importation and storage of construction and other waste materials (the	Appeal Decision Issued 20 th February 2023 Appeal dismissed Furthermore, there is clear

<p>Hill Lane, Royston, Barnsley S71 4BD)</p>	<p>Unauthorised Works).</p>	<p>evidence from the Council that the alleged breach has occurred. This includes the complaints received, detailed photographic evidence taken by complainants showing large piles of construction and waste materials across parts of the site and aerial photographs which show how materials have accumulated on parts of the site since May 2019.</p> <p>The aerial photographs also appear to show vehicle tracks from the main vehicular access across the site to the area where materials have been deposited in the northern area of the Land in question. It is also my understanding the enforcement action has been taken following investigations including a multi-agency meeting between the Council, The Environment Agency, South Yorkshire Fire and Rescue and South Yorkshire Police.</p> <p>Therefore, in the absence of clear evidence and based on the information before me and my own site observations, construction and other waste materials have been imported.</p> <p>Time period for compliance 8 Months (from 20th Feb 2023)</p>
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Compliance Monitoring

<p>Enforcement Notices served 2023/24 (year to date, 3 QTRs)</p>	<p>Enforcement Notices Complied with 2023/24</p>
<p>20</p>	<p>8</p>

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/Policy 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. The Planning Enforcement Policy was updated in May 2023 to reflect legislation and service changes. 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 3 of 23/34 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 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

Customer Services 01226 773555

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Item 6

BARNSELY METROPOLITAN BOROUGH COUNCIL

SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE NOVEMBER 2023 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2023/0868	<p>Remove Sycamore trees T683 and T688 and Oak tree T684 within TPO 1/1964 at Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none">1. One response received stating they were happy with the recommendation.	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>
2023/0725	<p>Installation of free-standing public art installation (Industrial Horse Sculpture) (Amended Address and Plans) at Land adjacent Unit 21A Elsecar Heritage Centre and Distillery Side, Elsecar, Barnsley</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none">1. One response received stating they were happy with the recommendation	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>
2023/0322	<p>Energy storage facility at Land off Tofts Lane, Snowden Hill, Barnsley S36 8YR</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none">1. One response received stating they were happy with the recommendation	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report</p>

Signed:



Garry Hildersley
Head of Planning, Policy and Building Control

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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 DECEMBER 2023 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2023/0919	<p>Alterations to the existing retail unit to provide a new disabled access toilet, baby changing facility and a cleaners store including the removal of existing internal doors, replacement of external door with minor widening to allow clear opening width of 1m, privacy film to external windows, new internal partitions, new sanitary ware and associated mobility furniture, ceiling hoist and building services (Listed Building Consent) at Building B12, Elsecar Heritage Centre, Blacksmith Square, Elsecar, Barnsley S74 8HJ</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none">1. One response received stating no problem with the recommendation but requesting change to the design of the door to make it more traditional. This was raised with the applicant who provided a minor design change to the door which was accepted by officers and the Member. No further issues raised.2. One response received stating no problems with the application	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>
2023/0724	<p>Erection of 9 sculptures - 7no. 2m high sculptures and 2no. 4m high sculptures to form a sculpture trail in grounds of Cannon Hall at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley, S75 4AT</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none">1. Two responses received stating they had no problems with the application	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>

Signed:



Garry Hildersley
Head of Planning, Policy and Building Control

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