

MEETING:	Planning Regulatory Board
DATE:	Tuesday 8 April 2025
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interests on matters contained within the Agenda

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 11 March 2025.

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. Alterations to existing car park and provision of new public open space and landscaping with associated works. (Amended Red Line Boundary). Lower Car Park, The Seam, County Way Barnsley - 2024/1060 - For Approval (*Pages 5 - 36*)
4. Installation of three sculptures with lighting and acoustic features within proposed public open space. (Amended Description) Lower Car Park, The Seam, County Way Barnsley - 2024/1062 - For approval (*Pages 37 - 60*)
5. Change of use of existing building to office space, the reconfiguration of the existing parking spaces, erection of boundary fencing and gates, and erection of CCTV columns and re-location of lighting columns. Car park, John Street, Barnsley, S70 1LL - 2025/0119 - For approval (*Pages 61 - 70*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Barnard, Bowler, Bullcock, Coates, Dyson, Greenhough, Hayward, Holling, Leech, Lofts, McCarthy, Mitchell, Moore, Morrell, Nayeri, O'Donoghue, Peace, Pearson, Roberts, Smith, Sumner, Webster, A. Wray, C. Wray and N. Wright

Matt O'Neill, Executive Director Growth and Sustainability
Paul Castle, Service Director Environment and Transport
David Hughes, Interim Service Director Regeneration and Culture
Garry Hildersley, Head of Planning, Policy and Building Control
Matthew Smith, Group Leader, Development Control

Stacy Cutler, Senior Legal Officer Planning (Locum)
Andrew Perriman, Service Director, Law and Governance (Monitoring Officer)

Parish Councils

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

Monday 31 March 2025

MEETING:	Planning Regulatory Board
DATE:	Tuesday 11 March 2025
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Barnard, Bullcock, Coates, Dyson, Hayward, Leech, McCarthy, Morrell, Nayeri, O'Donoghue, Peace, Pearson, Roberts, Smith, Sumner, Webster, A. Wray, C. Wray and N. Wright

35. Declarations of Interests on matters contained within the Agenda

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

36. Minutes

The minutes of the meeting held on 18 February 2025 were taken as read and signed by the Chair as a correct record.

37. Erection of 17no. dwellings with associated parking, drainage and landscaping (Amended/Additional Plans) at Land off Watermill Gardens, Penistone - 2023/0898 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2023/0898** Erection of 17no. dwellings with associated parking, drainage and landscaping at land off Watermill Gardens, Penistone, Sheffield.

RESOLVED that the application be deferred at the request of applicant/agent.

38. Application for reserved matters relating to details pertaining layout, appearance, landscaping and scale of proposed activity park and associated buildings and infrastructure (relating to outline planning application 2022/0434) at Land off Schwabisch Gmund Way, Barnsley - 2024/0475 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2024/0475** - Application for reserved matters relating to details pertaining to layout, appearance, landscaping and scale of proposed activity park and associated buildings and infrastructure (relating to outline planning application 2022/0434) at land off Schwabisch Gmund Way, Barnsley, S71 1AY.

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

39. Member Consultation Report February 2025

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 scheduled for February 2025.

RESOLVED that the report be noted.

Chair

Item 3

Application	1
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Application reference number	2024/1060
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Application Type	Full Planning Permission
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Proposal Description:	Alterations to existing car park and provision of new public open space and landscaping with associated works.
Location:	Lower Car Park, The Seam, County Way, Barnsley

Applicant	Barnsley MBC
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Number of Third Party Reps	7	Parish:	N/A
		Ward:	Central Ward

SUMMARY

This application has been submitted by BMBC for the creation of a public park within the southern section of The Seam (Lower) car park on County Way, as well as alterations and the re-arrangement of the existing car park, including the provision of EV parking spaces.

The development will result in the permanent loss of 181 car parking spaces. The retained/proposed provision includes 235 standard parking bays, 12 accessible bays and 39 EV bays.

The public park will be access for all members of the community and include landscaping features, planting and seating areas.

The application site falls within Development Site 3 – Courthouse Campus, with Local Plan Policies BTC21 and BTC22 identifying that the creation of a new public park/open space would be supported in principle. Additional information has been provided during the course of the application in relation to ecology; highways and conservation. The application has undergone two rounds of publicity following alterations to the red line boundary.

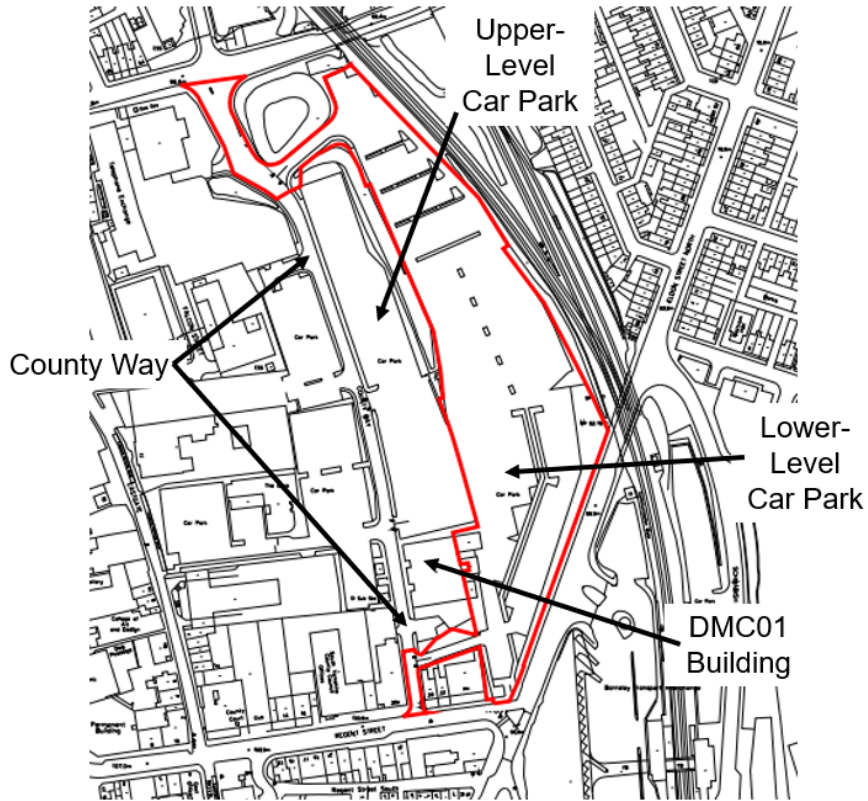
There are no outstanding consultee objections or concerns.

The application is being presented to Members due to it being a Council proposal.

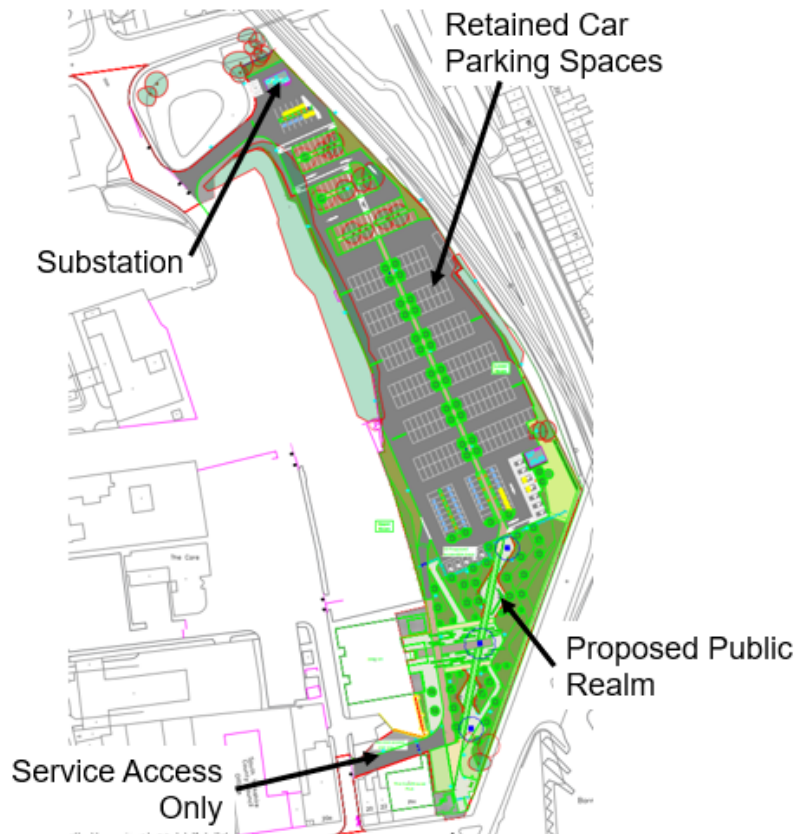
A separate application has been submitted for associated structures/sculptures which are proposed within the public park (application ref: 2024/1062).

Recommendation: Planning Permission GRANTED subject to conditions.

Location Plan



Landscape Masterplan (Rev: P31)



Introduction

The application is being presented to Members due to the applicant being a Barnsley Metropolitan Borough Council department. This application follows on from lengthy pre-application discussions.

An application for the erection of 3x structures proposed within the public park has been assessed in parallel with this application (2024/1062), as set out in the planning history section below.

Site Description

The application site includes the entirety of The Seam (Lower) car park, which is accessed off County Way, as well as the two accesses to the north and south. The existing car park (known as The Seam) is split level and has a narrow shape, sandwiched between County Way to the west, Eldon Street to the south and the railway line to the east. The lower section of the car park is currently accessed via two slip roads off County Way, one to the north-west and the other to the south-west. The Upper section of the car park would be retained though is understood to be partially used as a site compound during construction. Residential dwellings are located further to the east at the other side of the railway line, whilst the wider town centre is to the west and south.

The site itself is fairly flat; however, the surrounding roads vary in levels. The application site is at a much higher level than Eldon Street which falls away southwards beneath the railway bridge, with a retaining wall supporting the southern part of the site. A retaining wall along the western boundary also supports the Upper level of the car park, with County Way being at a higher level. The retaining wall along the western boundary is formed by historic railway arches, which are undesignated but of local interest.

Given the car park nature of the site, the ground is primarily tarmacked with some trees between the marked bays within the northern part. A more established belt of trees is situated along the western boundary between the site and upper-level car park, to the north of the railway arches. A slightly narrower line of trees borders to the eastern boundary which provides screening of the railway line. A grass verge is located along the south-eastern boundary between the parking spaces and the retaining stone wall.

The submitted information suggests that the lower level of the car park currently provides a total of 460 standard car parking spaces plus 7 disabled bays. In addition to the vehicular access described, there is a pedestrian link at the southern end of the site providing access onto Regent Street.

A grassed area is located to the immediate north-west of the site, adjacent to the northern access. This is designated Green Space.

Barnsley College and Digital Media Centre (DMC) buildings are located along County Way. Part of the DMC01 building lies within the south-western section of the application site, with the southern access wrapping around this building. The Courthouse pub/bar is located to the immediate south-west of the site with the existing pedestrian link adjacent to this building. This building is Grade II listed. Other listed buildings are located along Regent Street.

Barnsley Train Station is close to the site, with the A635 to the north providing direct access into the Town Centre.

Relevant Site History

Application Reference	Application description	Status
(Associated Application) 2024/1062	Installation of three sculptures with lighting and acoustic features within proposed public open space.	UNDER CONSIDERATION
2022/0736	Hybrid planning application for a) full planning permission for a Multi-Storey Car Park (6 storeys above ground and 2 below ground) with 386no spaces, an Active Travel Hub (cafe, cycle hire / repair facility, retail, and cycle workshop space), a public realm scheme covering the entirety of the site and access, and b) outline planning permission with all matters reserved for 136 dwellings and 1887 sqm ground floor commercial space	WITHDRAWN
2022/0737	Re-grading of the existing pedestrian ramp to achieve a 1:21 fall (inclusive), excavation around the retaining wall and steps to the west of the ramp and replacement with Yorkstone flag surfacing, removal and replacement of existing low retaining wall with railings and finger post sign to enable the extension of the pedestrian ramp, removal and replacement of stepped access from Eldon Street North and along the eastern edge of the pedestrian ramp with new 500mm max height concrete and Yorkstone cladding retaining walls and ornamental tree planting (Listed Building Consent).	WITHDRAWN
2008/0313	Demolition of existing offices and formation of car park.	GRANTED, 2/4/2008
2005/1754	Erection of five storey Digital Media Centre.	GRANTED, 8/12/2005
B/04/2010/BA	Renewal of planning consent B/01/0827/BA Erection of multiplex cinema and A3 (food and drink) unit (Reserved Matters).	GRANTED, 1/9/2003
B/03/1344/BA	Erection of single-storey Pizza Hut restaurant and two-storey office building.	GRANTED, 21/10/2003
B/02/0814/BA	Leisure development - health club and nursery (revised design).	GRANTED, 15/7/2002
B/01/0827/BA	Changes to external elevations of approved design of multiplex cinema and A3 (food and drink) unit. (approval of reserved matters).	GRANTED, 30/7/2001
B/00/1034/BA	Demolish existing council offices and construct new leisure development comprising cinema, health club and restaurants.	GRANTED, 12/10/2000
B/98/0284/BA	Outline planning permission for leisure development comprising multiplex cinema, two leisure units and three restaurants	GRANTED, 23/6/1998

B/97/0462/BA	Erection of 2.4m high boundary fencing and access gates.	GRANTED, 15/8/1997
B/95/0878/BA	Use of car parks for Sunday car boot sales	GRANTED, 14/9/1995
B/88/1522/BA	Alterations to offices and provision of pedestrian access way.	GRANTED, 25/11/1988
B/78/2226/BA	Erection of Phase II prefabricated single storey office accommodation with associated lavatories, store room and rest room.	HISTORIC, 16/1/1991
B/77/3149/BA	Erection of prefabricated single storey office accommodation with associated lavatories, store rooms and heating chamber, (approval of matters reserved by outline permission B/77/1541/BA)	HISTORIC, 9/1/1978

Proposal

The proposed development includes creating a new area of public realm within the southern section of the existing lower car park. The most southern third of the site will be landscaped to create the park, with the northern two-thirds to be retained as a car park. The existing car park will be re-configured/re-surfaced to also provide new landscaping and improved parking facilities.

The public realm would extend to approximately 3700sqm and include a mixture of pathways/hard landscaping amongst soft landscaping and planting. The proposal includes a distinct pedestrian route which leads diagonal from Eldon Street/Regent Street to the south, in a northwards direction towards the retained car park. This path would be finished in sandstone paving with text feature running through in a ribbon effect.

Within the main footpath, 3x tree/flower-like shaped structures are proposed to be erected, subject to necessary planning permission being granted (application ref: 2024/1062). Amongst the footpath, gabion seating and metal benches are proposed, along with signage and litter bins.

The exact species of planting and numbers is to be assessed further at condition discharge stage. However, the masterplan demonstrates a varied use of landscaping/materials across the site, including wildflower turf, grass, ornamental planting, trees, paving and gravel as well as planters and boundary treatments. Lighting columns are also proposed.

The proposed public realm is expected to provide community and social space, for uses such as stalls and small events.

The creation of the public realm will displace 181 existing car parking spaces. The rearranged car park will provide 235 standard bays; 12 accessible bays and 39 EV bays (installed in 2 phases). New road markings and disabled bays would be created, as well as a central pedestrian footpath. New surfacing materials will be installed, such as paving and rumble strips in addition to tree planting. A new substation is proposed at the northern end which will service the EV spaces.

It is understood that only 12 EV chargers (as shown in yellow on the site plan) will be installed for occupation of the development, though the electrical infrastructure for up to 39 will be installed as part of the works. The second phase of chargers will be installed based on uptake/demand.

The existing north-western access would be retained to serve the public car park, though the southern access would be closed for public vehicular access and provide a service route only. The service route will be secured with automatic and fixed bollards added in the south-west corner of the car park and to the rear of the Courthouse pub.

The development will result in the loss of 4 existing trees, though circa 70 new/replacement trees are proposed as part of the indicative landscaping scheme.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019)

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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

Site Allocation/Designation

The site lies within the Town Centre (District 3 - Courthouse Campus) boundary as defined in the adopted Local Plan. The site (and the wider car park and DMC/College area) is allocated as a Town Centre Development Site and a Priority Public Space Improvement site.

The southern access into the site lies within the Regent Street/Church Street/Market Hill conservation area. The northern part of the site is designated as a strategic area of opportunity for tall buildings.

The site lies within Flood Zone 1 as per the Environment Agency maps thus at low risk of flooding. The northern section of the site is a low-risk Mining Remediation Authority development area, though the southern part is within a high-risk development area.

National Planning Policy Framework (NPPF 2024)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policies of relevance to this application includes:

Paragraph 90 state planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible and enable and

support healthy lives through the provision of high-quality public space which encourage the active and continual use of public areas.

Paragraph 98 states that to provide social, recreational and cultural facilities, planning decisions should plan positively for the provision and use of shared spaces such as open spaces and meeting places.

Paragraph 103 emphasises the importance of high-quality open spaces and opportunities for new provision.

Paragraph 115 states that when assessing sites for allocated developments in plans or specific applications, it should be ensured that sustainable transport modes are prioritised taking account of the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated through a vision-led approach.

Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Paragraph 117 states that developments should give priority to pedestrian and cycle movements and facilitate access to high quality public transport with layouts that maximise the catchment area for bus and other public transport services. Developments should create places which are safe, secure and attractive and minimise conflicts between pedestrians, cycles and vehicles.

Paragraph 125 states that substantial weight should be given to the re-use of suitable brownfield land.

Paragraph 128 states local planning authorities should make more effective use of sites that provide community services such as access to open space.

Paragraph 131 states 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.

Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Paragraph 136 states that trees make a positive contribution to the character, and developments should include tree lined streets. Opportunities should be taken to incorporate trees elsewhere in the development which are compatible with highways standards and different user needs.

Paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. Decisions should also minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporate feature which support priority or threatened species.

Paragraph 192 states proposals should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species as well as opportunities for securing measurable net gains for biodiversity.

Paragraph 196 states that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability.

Paragraph 198 states that planning decisions should ensure that new development is appropriate for its location taking into account likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site. This includes mitigate and reduce potential adverse impacts from noise from new development and limit the impact of light pollution.

Paragraph 199 states that planning decisions should take into account the presence of Air Quality Management Areas and developments should be consistent with the local air quality action plan.

Paragraph 200 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

Paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 208 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Barnsley Local Plan (2019)

Site-Specific Policy BTC21: Courthouse Campus states that the Local Planning Authority support the following types of development:

- Education and community facilities.
- Offices.
- Developments designed to support the creative and digital industries.
- Residential development, including live-work units.
- Multi storey car parking.
- A new public park and improved public spaces.

Site-Specific Policy BTC22: Development Site 3 – Courthouse Campus states that the Local Planning Authority will support:

- Education and community facilities.
- Offices.
- Developments designed to support the creative and digital industries.
- Residential development, including live-work units.

The development of the site will be expected to:

- Include the creation of a new public open space;
- Provide improvements to pedestrian links and public spaces; and
- Conserve or enhance the Conservation Area.

Relevant Local Plan Policies:

Local Plan Policy SD1: Presumption in Favour of Sustainable Development states that the presumption contained in the NPPF will be applied and the Local Planning Authority will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Local Plan Policy GD1: General Development states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land. Proposals shall include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and mitigate/minimise any adverse impact upon the environment, natural resources and pollution. Adequate access and internal roads shall provide appropriate vehicular and pedestrian links, whilst drains, culverts and surface water bodies shall be considered. Appropriate landscaping shall be provided where sites are adjacent to open countryside and pylons shall also be considered within proposed layouts.

Local Plan Policy I2: Educational and Community Facilities states that the Local Planning Authority will support the provision of community facilities such as meeting places, where there are located centrally to the communities they serve in places where they will be accessible by walking, cycling and public transport.

Local Plan Policy T3: New Development and Sustainable Travel states that new development will be expected to be located and designed to reduce the need to travel; be accessible by public transport and meet the needs of pedestrians and cyclists. Developments shall provide minimum levels of cycle parking and a travel plan in accordance with NPPF guidance. Transport assessments should also be in accordance with NPPF guidance and have regard to cross boundary local authority impacts. Where levels of public transport accessibility are unacceptable, developers will be expected to make financial contributions in accordance with Local Plan Policy I1.

Local Plan Policy T4: New Development and Transport Safety 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. Where a development is not suitably served by the existing highway, developers will be expected to make a financial contribution to secure necessary improvements.

Local Plan Policy D1: High Quality Design and Place Making states development should be of high quality design and reinforce the distinctive, local character and features of Barnsley including landscape character, topography, important habitats, woodlands, townscape character, scale, layout, building styles and materials.

The policy follows on to state that developments should contribute to place making, be of high quality, that contributes to healthy and sustainable environments. This includes providing clear and obvious connections to the surrounding street and pedestrian network whilst promoting safe access routes. Developments should make the best use of materials and include comprehensive and high quality hard and soft landscaping schemes with high quality public realm. In terms of place making the development should make a positive contribution to achieving qualities of a successful place such as character, legibility and permeability.

Local Plan Policy POLL1: Pollution Control and Protection states that development will be expected to demonstrate that there will be no increased in air, surface water/groundwater, noise, smell, dust, vibration or other pollution which would unacceptably affect the natural or

build environments or people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Local Plan Policy CL1: Contaminated and Unstable Land states that developments which would be affected by contamination or stability issues must be accommodated by a report which shows that investigations have been carried out and sets out detailed measures to allow development to go ahead safely.

Local Plan Policy TC1: Town Centres states that Barnsley Town Centre is the dominant town centre whereby new retail and town centre developments will be directed.

Local Plan Policy BTC3: Public Spaces states that new developments must make a positive contribution to public spaces through its design, siting and use of materials.

Local Plan Policy BTC4: Improving Public Spaces states that community uses over 1000sqm shall include improvements to public spaces.

Local Plan Policy BTC7: Gateways states that developments on or next to gateways must create a strong, distinctive visual gateway to the town centre and a sense of arrival; be of high quality design; be designed to welcome people into the town centre and include good pedestrian links through the site.

Local Plan Policy BTC6: Building Heights states that tall buildings will only be allowed in locations identified as per the Building Heights Study. Planning applications for tall building must be accompanied by the required supporting information.

Local Plan Policy BTC11: Car Parks states that town centre car parks will be managed to allow short stay car parking and restrict long stay car parking. Long stay car parks will be located on the edge of the town centre. Short stay car parks will be located within the town centre.

Local Plan Policy BIO1: Biodiversity & Geodiversity states that development will be expected to conserve and enhance the biodiversity and ecological features of the borough by protecting and improving habitats, species and sites of ecological value. Developments should maximise biodiversity opportunities and conserve/enhance the form, local character and distinctiveness of natural assets. Proposals should protect ancient and veteran trees and encourage the provision of biodiversity enhancements.

Local Plan Policy HE1: The Historic Environment positively encourages developments that help in the management, conservation and understanding of the historic environment. Part A states that proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention to those elements which contribute most to the borough's distinctive character and sense of place will be supported. Part C follows on to state that proposals which preserve or enhance the character or appearance of a conservation area will be supported.

Other applicable Local Plan policies include:-

Policy LC1: Landscape Character
Policy CC1: Climate Change
Policy CC2: Sustainable design and Construction
Policy GS1: Green Space
Policy GS2: Green ways and Public Rights of Way
Policy RE1: Low Carbon and Renewable Energy
Policy AQ1: Development in Air Quality Management Areas

Policy UT2: Utilities Safeguarding
Policy BTC5: Landmark Buildings

Supplementary Planning Documents

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twentyeight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019 to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

- Parking, November 2019
- Sustainable Construction and Climate Change, July 2023
- Development on land affected by contamination, November 2019
- Sustainable Travel, July 2022
- Trees & Hedgerows, May 2019
- Biodiversity & Geodiversity, May 2019
- Heritage Impact Statements, May 2019

Summary of Relevant Consultations

BMBC Air Quality – No response.

BMBC Biodiversity Officer – Queried the potential impact upon the bat roost identified within the wall/railway arches along the western boundary. An updated Ecological Appraisal has been submitted to address this along with a revised Biodiversity Net Gain assessment and report.

The development achieves +44.41% net gain in biodiversity which is welcomed. The Ecological Appraisal sets out appropriate recommendations which are to be secured via condition. Overall, no objection subject to the standard BNG condition and Habitat Management and Monitoring Plan (HMMP) condition, as well as pre-commencement submission of a Construction Environmental Management Plan - Biodiversity (CEMP-B); biodiversity enhancement details, and lighting scheme details.

Local Ward Councillors – No response.

BMBC Commercial Services – No response

BMBC Conservation Officer – Initially had some queries regarding the submitted Heritage Impact Assessment. However, following direct discussions with the Heritage consultant all queries have been addressed/overcome. No objection and no conditions required.

BMBC Contaminated Land Officer – No response.

BMBC Forestry Officer – The development will result in the loss of 4x trees (though one is Category U) as well as some smaller shrubbery and a tree stump. However substantial tree planting is proposed, with the arboricultural information being clear and detailed. No objection subject to the arboricultural information being set out in the approved documents and a pre-commencement condition requiring full landscaping details.

BMBC Drainage – No objection subject to condition relating to full drainage details to be submitted prior to commencement.

BMBC Highways DC – Initially raised concerns regarding the application site boundary not abutting the adopted highway. The red line boundary was therefore amended to address this. Queries raised relating to the proposed alterations/arrangements to the car park layout and the justification of the loss of parking spaces.

Additional information has been provided to address these concerns, including a supplementary technical note, as set out in the assessment below. The loss of car parking, both on a temporary and permanent basis has been sufficiently justified within the submitted information. Overall, no objection subject to conditions relating to pre-commencement submission of a construction traffic management plan; construction method statement; details of restricted vehicular use; service route management plan; temporary access arrangements; highway surveys; details of TRO and signage scheme.

Historic England – No objections.

Mining Remediation Authority – Although the site falls within a High-Risk development area, the nature of the development is exempt. No objection on this basis.

National Air Traffic Services – No objection.

National Highways – No objection to the principle of the development, though there is potential concerns regarding the suggested construction period. A construction traffic management plan should be submitted which sets out the construction traffic movements. This has been addressed further in the Highways DC comments and assessment below.

Natural England- No response.

Network Rail – No objection, though the applicant is encouraged to continuously engage to ensure that works can go ahead safely and without impact upon railway operations.

Northern Powergrid – No response.

BMBC Parks – No objection.

Planning Policy – The proposal is not a comprehensive redevelopment of the Courthouse Campus Development Site 3 as envisaged within Local Plan Policy BTC22, with the park being smaller than the indicative plan shown on page 218 of the Local Plan. However, the proposal does not prevent the remainder of the Courthouse Campus Development site being redeveloped, with the proposal expected to complement existing open spaces within the town centre and improve pedestrian links. Subject to appropriate design and conservation policies being accorded with, the proposal is considered to be acceptable in principle.

BMBC Pollution Control – No objection subject to pre-commencement condition requiring submission of a Construction Method Statement and restricted hours of construction.

BMBC Public Rights of Way – No objection subject to informative.

BMBC Regeneration – No response.

South Yorkshire Mining Advisory Service – The mining legacy risks are low and the nature of the proposal is exempt from further assessment. No objection on this basis, though standing advice should be applied as an informative.

South Yorkshire Mayoral Combined Authority – No comments to make.

South Yorkshire Police – Queries regarding the CCTV standard and used of ANPR system. No objection.

BMBC Car Parks – The Lower Seam car park is a heavily used town centre car park, particularly on weekdays. However the car parking strategy (approved by cabinet in August 2024) states that *'Barnsley town centre has a total of 2,675 parking spaces in 16 car parks and over 440 on-street parking spaces. Additionally, there are 2,467 spaces in privately owned car parks within the town centre across 13 car parks'*. Parking services are satisfied that there is enough capacity in the town centre to cope with the displacement of users of the Lower Seam car park.

BMBC Urban Design Officer – The Officer has been involved during earlier design stages and is overall in support of the scheme subject to conditions requiring further details of the hard and soft landscaping; walkway design; CCTV camera locations and the maintenance and management of all landscaping.

BMBC Waste Management- No response.

Yorkshire Water – Initially objected due to the proposed tree planting being over a public sewerage system. No objection to the amended masterplan subject to conditions relating to surface water run-off and piped discharge of surface water.

Environment Agency- No response.

Representations

This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application has undergone two rounds of publicity as follows:

First Round (original submission) overall date of expiry: 7/2/2025

- Advertised on the Council website;
- Adjacent residents notified by letter;
- Site notices displayed adjacent to the site;
- Advertised in local press.

6 neighbour representations were been received in response to the above publicity, raising the following material planning considerations:

- Impact upon parking availability;
- No alternative parking provision;
- Increased anti-social behaviour;
- Reduction in shopping footfall as a result of loss of car park;
- Economic impact upon local businesses;

Second Round (amended red line boundary) overall date of expiry: 25/3/2025

- Advertised on the Council website;
- Adjacent residents notified by letter;
- Site notices displayed adjacent to the site;
- Advertised in local press.

1 further comment was received, summarised as follows:

- No objection though wishes to be kept informed regarding the construction work.

Assessment

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The NPPF (December 2024) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The main issues for consideration are as follows:

- The Principle of the Development
- Impact upon Character and Appearance of Surrounding Area and Conservation Area
- Highways Considerations
- Trees & Landscaping
- Biodiversity Considerations
- Impact Upon Adjacent Residents & Businesses
- Economic Impacts

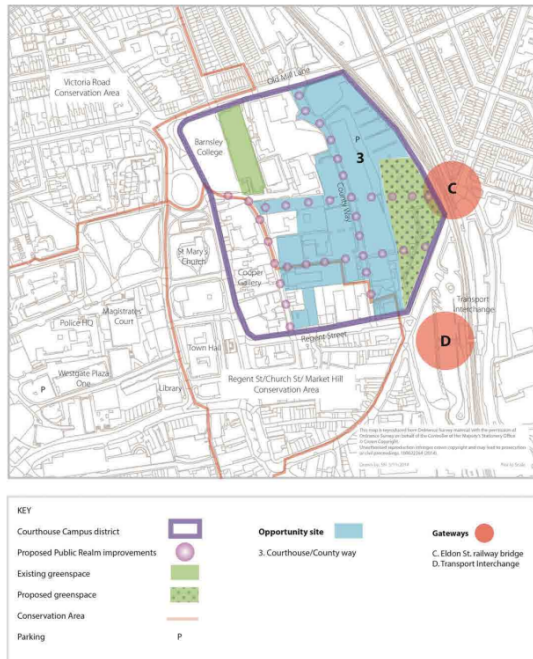
For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

The Principle of the Development

The site falls within the Courthouse Campus area of the town centre, with Local Plan Policy BTC21 and BTC22 setting out the supporting uses in this area.

Local Plan Policy BTC21 states that a new public park and improved public spaces will be supported along with a multi-storey car park. Local Plan Policy BTC22 also states that the Courthouse Campus area will be expected to deliver a new public open space in addition to pedestrian links and public spaces. This policy is supported by the following inset map which indicates the suggested location for new greenspace.



The development hereby proposed accords with types of uses identified in the policies referred to above, with the proposed open space located in the area indicated on the above plan. Whilst the proposed open space does not extend to the size indicated on the plan above, the principle of an open space accords with the site allocation. Similarly, the proposed car parking is not of a multi-storey scale as suggested in Local Plan Policy BTC21. However, this development would not wholly prevent a development of this nature coming forward in the future.

On this basis, the principle of the development accords with the site specific policies and the site's allocation and is therefore acceptable. This is afforded substantial weight.

Environmental Impacts

Paragraph 8 (C) of the NPPF sets out the environmental objective which includes protecting and enhancing the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The environmental impacts of the proposed development are assessed as follows:

Impact upon Character and Appearance of Surrounding Area and Conservation Area

The application has been supported by a landscape masterplan (Rev: P31) which broadly demonstrates the site arrangement, and the works proposed. As mentioned above, more detailed landscaping information such as planting species and surfacing materials will be secured via condition.

Overall, the landscape masterplan indicates that the development will create a modern and inviting open space within the town centre. The mixture of paving colours and materials, together with the use of planting will create an interesting and vibrant destination for users.

The application submission does not include detailed plans of the substation building and therefore a pre-commencement condition will be attached to secure this. However, the

position of the substation, at the northern end of the site, is acceptable. This will not directly impact the appearance of the site, nor will it be viewable from the surrounding streets.

The 3x proposed structures will be the focal point of the public park, though will be assessed separately under planning application 2024/1062. In terms of the open space and the car park works, both the Conservation Officer and the Urban Design Officer have reviewed the proposals and have no objection to the scheme, subject to the necessary conditions being attached.

The development will upgrade an otherwise uninteresting car park site to provide a multi-purpose site which will include up to date EV charging facilities along with improved pedestrian access into the town centre and surrounding streets. The development hereby proposed will enhance the setting of the Conservation Area and nearby listed buildings, as well as create an inviting entrance into Barnsley Town Centre.

In summary, the appearance of the proposed development accords with the relevant design and conservation policies as set out in the Local Plan and NPPF and is therefore afforded substantial weight.

Highways Considerations

The development proposes to rearrange the existing car park layout, as well as redeveloping the most southern section to provide a new public open space. The proposal will result in the permanent loss of 181 car parking spaces, though 286 are to be retained within the Seam (Lower) car park and the entirety of the upper level will be retained on a permanent basis. The proposed provision (all within the lower section) will include 236 standard bays; 10 standard accessible; 38 standard EV bays and 2 accessible EV bays.

The application has been supported by a Transport Statement (TS) and an additional technical note which responded to queries raised within the Highways DC Officer's initial consultation response. The TS assessed the implications of the development upon the local highway network both in terms of highway safety and the capacity of other town centre car parks.

The retained public car park will be accessed via the existing north-west access onto County Way/ Old Mill Lane. The development proposes to alter the servicing and delivery arrangements to the DMC, Courthouse Pub and adjacent commercial properties via a one-way access at the south-western corner of the site and onto County Way. A combination of fixed and automatic bollards is proposed to secure this one-way service route and prevent unauthorised entry in either direction.

Updated swept path analysis plans have been provided in relation to servicing vehicles. On occasions where the long-articulated HGVs use the service access, there would be some overhang onto the footway. However, servicing for the adjacent pub and DMC building already takes place and the use by HGVs is infrequent. The largest vehicles likely to use the route are refuse collection lorries or large delivery vans. The overall change to a one-way route is a betterment than the existing arrangement for the adjacent buildings and is therefore acceptable.

In terms of the loss of car parking spaces, car parking occupancy surveys were undertaken utilising drone technology. The surveys were undertaken hourly on both a Wednesday and Saturday during November 2024, between 08:00 – 17:00 and 09:00-15:00 respectively. The peak occupancy was at 12:00 on Weekdays whereby there was 142 vacant spaces, and at 13:00 on Saturday where there were 222 vacant spaces. When excluding the lower Seam

area, the number of vacant spaces was reduced to 74 (on Wednesday) and 110 (on Saturday).

The development will result in the permanent loss of 181 spaces within the lower level of the car park. However, during construction the entirety of the lower car park will be closed to the public in addition to 24 spaces within the upper level (to be used as a site compound). On this basis, a total of 491 spaces will be lost on a temporary basis.

The submitted TS demonstrates that the displacement of car parking spaces (both during construction and on a permanent basis) can be satisfactorily accommodated within existing alternative town centre car park provision. Data from an Apex Parking survey, Alpha parking report and 2023 BMBC Parking Services indicate that there is a spare capacity of 781 spaces during weekdays and 516 spaces during weekend days and therefore the full 491 spaces which are to be lost during construction (circa 42 weeks) can be accommodated. On this basis, the lesser impact of the permanent loss of car parking is justified.

The submitted information also demonstrates that the relevant/closest highway junctions have sufficient capacity to support the proposed access arrangements and can accommodate the predicted future background traffic in addition to the redistributed flows.

It is recognised that National Highways did raise some concerns in relation to the temporary loss of parking during the construction phase and the impact this would have upon the local highway network in terms of drivers 'looking' for alternative spaces. In response to this, the construction method statement condition (pre-commencement) requires details of the communication strategy which will be publicised to inform residents of the works and alternative parking arrangements. It is understood that the Council's parking services team are already working on this.

Overall, the Highways DC Officer is satisfied that the submitted information sufficiently demonstrates that the loss of car parking spaces (both permanently and temporarily) can be accommodated elsewhere within the town centre, and the development will not have a significant impact upon the local highway network subject to acceptable details being provided via condition discharge. The scheme includes an improved car parking and servicing layout with the use of clear pedestrian routes and paths. Overall, the development accords with the requirements of Local Plan Policy T4, and is afforded moderate weight in the planning balance.

Trees & Landscaping

In addition to the Urban Design Officer, the Forestry Officer has also reviewed the proposals in regard to the proposed landscaping scheme and impact upon existing trees. The development will result in the loss of 4 trees, as well as some immature bushes (within Tree Group 3) and an existing tree stump. The category of the trees to be removed and the reasoning is summarised as follows:

- T16 – Italian Alder, Category B
- T20 – Italian Alder, Category B
- T27 – Rowan, Category B
- T28 – Ash, Category U
- Tree Group 3 – Category B

The category U would need to be removed irrelevant of the proposal. Nevertheless, the Forestry Officer has no objection to the proposed tree removals. Whilst the loss of Category B trees is unfortunate, the Forestry Officer has confirmed that the trees have limited amenity value and are of no wider benefit beyond the car park. However, the proposed development

will significantly improve the amenity value of the area and will result in substantial tree planting.

On balance the removal of a limited number of trees is acceptable when weighed against the improvements to the area, particularly in terms of overall tree coverage.

As mentioned above, the full details of the landscaping scheme have not been provided at this stage, though the submitted plan does indicate that circa 70 new trees would be planted, with 13 existing trees to be retained. The masterplan also suggests the use of wildflower turf, ornamental planting, hedges and raised planters.

Overall, the application has been accompanied by detailed arboricultural information, which sets out the appropriate tree protection measures. The proposed landscaping scheme is acceptable subject to further details of species, specifications and methodologies being submitted prior to commencement of development. The proposal is afforded considerable weight in terms of trees and landscaping.

Biodiversity Considerations

The Biodiversity Officer has reviewed the application documents. Common pipistrelle bats have previously been recorded within the stone wall/railway arches which bounds the western boundary. The wall is therefore considered to have potential to support roosting bats, and additional surveys have been undertaken in support of this application. The further survey work recorded no bats emerging from the wall suggesting that the day roost is used infrequently.

Based on the additional survey work together with the previous survey results, the submitted report concluded that the value to local bats is considered to be no more than local significance with only a small number of common pipistrelle bats known to use the site as a day roost and the existing trees providing some opportunities for foraging and commuting.

On this basis, no further surveys are required and there is also no requirement for a European Protected Species Mitigation Licence. The Biodiversity Officer is satisfied with this assessment, subject to precautionary measures being implemented. The measures shall be set out in a Construction Environmental Management Plan (CEMP – Biodiversity) which is to be submitted prior to the commencement of any development.

The submitted Ecological Appraisal suggests that external lighting may also impact bat species, and the use of high intensity security lighting should be avoided. As referred to above, the final design details (including the lighting) have not yet been agreed. On this basis, 2x lighting scheme conditions (one which includes the Urban Design Officer's requirements and the other with the Biodiversity's Officers requirements) have been attached.

A condition relating to a scheme of biodiversity enhancements is also proposed. The scheme shall include details of the permanent bat roosting features and nesting opportunities for birds.

Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met. This application is subject to BNG and the application has therefore been supported by a biodiversity net gain metric and associated report. The metric demonstrates that +44.41% net gain in biodiversity can be achieved on-site. The habitat creation consists of shrub planting, grasslands, tree planting and hedgerows. The Biodiversity Officer welcomes the significant uplift in terms of BNG which significantly exceeds the +10% requirement. The standard BNG conditions are

therefore attached which includes the pre-commencement submission of a biodiversity gain plan and a habitat management and monitoring plan.

In summary, the Biodiversity Officer has no objection to the proposed development and the impact upon ecological species, subject to the conditions attached. This weighs in significantly in favour of the application.

Summary of Environmental Impacts

Overall, and taken in context that this site is allocated for the development of a public park and car parking (as well as other uses), the appearance, design and landscape of the development is considered to be acceptable. Additional information is required to show the final designs and specifications, however based on the details provided the proposal is suitable when taking into account the surrounding character and the proposed function.

The development will significantly enhance the appearance of the town centre site and re-purpose underutilised and brownfield land. The development therefore accords with NPPF sections 11 and 12 and Local Plan Policies D1 in terms of design.

The site's proximity to local transport links and the town centre makes it easily accessible for residents of Barnsley, with the proposed pedestrian links into the surrounding streets welcomed. Although the development will result in a substantial loss of existing car parking spaces, both BMBC car parks officer and the Highways DC Officer is satisfied that these can be offset elsewhere within other nearby car parks, with sufficient justification provided within the submitted TS. The proposal therefore accords with the NPPF Section 9 and Local Plan Policies T3 and T4 in terms of transport and connectivity.

Both the Forestry Officer and the Biodiversity Officer are satisfied with the proposals and consider that there would be no detrimental impact as a result of the proposed tree loss or effects on ecological species. The development achieves the required BNG uplift and is therefore acceptable subject to the standard conditions.

The environmental impacts of the development are considered to be acceptable and significant weight should be attached to this in favour of the development.

Social Impacts

NPPF Paragraph 8(B) sets out the social objective, stating that proposals should support strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

The social impacts of the development are assessed as follows:

Impact Upon Adjacent Residents & Businesses

The application is primarily surrounded by existing businesses and educational premises, with the closest residential properties located on Bridge Street and Old Mill Lane.

The residential dwellings on Bridge Street are relatively close in distance, though would be unimpacted by the development due to the presence of the railway line which runs between the application site and the residential gardens. Similarly, the residents of Old Mill Lane do not directly overlook into application site. On this basis, residential amenity will not be impacted by the development.

Nevertheless, there are local businesses positioned adjacent to the application site. The Courthouse Pub; a Gallery and offices abutting the south-western access, whilst the DMC education building partly falls within the site boundary, positioned immediately to the west of the proposed park.

The creation of the proposed public space is not expected to cause significant impacts upon the operations at the adjacent businesses/buildings, particularly when compared to the existing car park use. Whilst noise may be generated by the accumulation of people, and during small community events, this would not be continuous and/or frequent.

Nearby business occupiers will be accustomed to noises associated with the movement of people (particularly from the DMC) due to the town centre location of the site and the users of the existing car park. Noises from traffic movements will also currently occur. The proposal is therefore not considered to substantially alter the disturbance upon neighbouring businesses.

It is noted that concerns regarding increased anti-social behaviour were raised within the submitted representations. NPPF Paragraph 98 encourages the development of safe places and high-quality public space, which the development hereby proposed looks to create. Whilst the development will encourage local people to meet and socialise, this does not directly result in increased anti-social behaviour. Nevertheless, South Yorkshire Police have been consulted on the application and raised no formal objection. Some queries were raised regarding the management of the security camera system and the bollards; however this will be dealt with outside of the planning permission.

Some noises may be generated by the substation. However, given its position at the northern end of the site and away from other buildings/uses this is not expected to cause substantial disturbance. The Environmental Health Officer has also reviewed the application submission and raised no objection in terms of the impact upon those working near to the site, subject to conditions attached relating to the submission of a Construction Method Statement and accordance with the hours of construction.

It is noted that some disturbance could occur by virtue of the acoustics and lighting associated with the proposed sculptures, though this will be assessed separately under application 2024/1062.

In summary, and taking into account the town centre location of the site, the impact upon residential amenity and the running of local businesses is not considered to be detrimental. Whilst the development will create some disturbance in terms of comings and goings of people, this is not unusual given the town centre footfall. Overall, the impact upon amenity is considered to be limited which weighs considerably in favour of the application.

Summary of Social Impacts

Overall, and taken in context that this site is allocated for the development of a public park and car parking (as well as other uses), the social impacts of the development are welcomed. The NPPF emphasises the importance of good access to high-quality public spaces which are safe and promoted social interaction. The proposed public realm is easily accessible, located close to transport links and the town centre. The development will provide a place for residents to meet and socialise, which improves the social wellbeing of local people.

The development is not expected to cause disturbance upon neighbouring businesses and/or the adjacent college building. The route is already heavily used by people walking to and from the college and car park. Whilst the development may encourage more people to

gather this is not considered to cause substantial disturbance when taking into account the town centre location.

In summary, the development accords with Local Plan Policy POLL1 and GD1. The social impact of the development is considered to be acceptable, and substantial weight should be attached to this in favour of the development.

Economic Impacts

NPPF Paragraph 8(A) sets out the economic objective, stating that proposals should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

It is understood that the public park will be available to use at no-cost and be open to all residents. This means that the development will not directly generate an income. It is assumed that the general maintenance of the park will be picked up by the BMBC Park and Street Lighting teams.

It is noted that within the representations, concerns regarding the impact upon footfall and the economic impact upon local businesses were raised, as a result of the loss of car parking. Whilst there will be a loss of car parking, as set out in the highways section above, the spaces can be offset elsewhere within the town centre. On this basis, there is no evidence to suggest that the redevelopment of part of the car park will cause negative economic impacts.

The development will create a number of jobs during the construction phase, albeit this would be a temporary impact.

Summary of Economic Impacts

Overall, and taken in context that this site is allocated for the development of a public park and car parking (as well as other uses), the economic impact of the development is limited. Whilst some jobs will be indirectly created during the construction period, this will not create substantial economic benefits. The concerns regarding the loss of income for local businesses as a result of the car park redevelopment is not considered to be justified and therefore is afforded limited weight.

Whilst the development offers limited economic benefits, this is substantially outweighed by the social and environmental benefits of the scheme described in the section above. The economic benefits are therefore afforded moderate weight.

Planning Balance & Conclusions

Conclusion

The National Planning Policy Framework is an important material consideration related to this case, in particular paragraph 96 which states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible and enable and support healthy lives, through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

The principle of the public park development accords with adopted Local Plan policies BTC21 and BTC22, both of which identify the site for public park/public open spaces developments.

Whilst the loss of well-used town centre car parking is unfortunate, the development will create a high-quality public park which will provide a place to meet, socialise and enjoy the outdoors. The development will improve the appearance of the site and create a welcoming sense of place when approaching the town centre. The proposal will utilise brownfield land and create clear pedestrian accesses to nearby streets.

The development will also provide improved car parking facilities, with EV spaces, high-quality landscaping and a more pedestrian friendly layout. The proposal will result in the permanent loss of 181 spaces however the information provided sufficiently demonstrates that this can be accommodated elsewhere within existing town centre car parks. This has also been supported by the Council's car parking team.

External and internal consultees have reviewed the application submission, with no outstanding concerns or queries subject to the conditions attached. The conditions require further details of landscaping and materials prior to the commencement of development, in addition to appropriate highways information.

The development provides limited economic benefits in terms of income generation. However, the social and environmental benefits associated with the scheme significantly outweigh these concerns. The proposal will create a new public park in an easily accessible location, close to the Barnsley Travel Interchange and town centre. The development will provide much needed social space within the town centre which will be used for community events and gatherings.

The public park will have a modern character and enhance the appearance of the wider area to provide a sense of place. Both the Urban Design Officer and Conservation Officer are satisfied with the proposed design subject to the necessary information being provided. Overall, and taking account the planning balance, the development is acceptable.

Recommendation

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

CONDITIONS/REASONS

1. The development, hereby permitted, shall be begun before the expiration of two years from the date of approval.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following plans and documents except as may be substituted with subsequently approved details:
Site Location Plan, Drawing No: SEAM-ONE-ZZ-XX-DR-L-00007, Rev: P02, Received: 17/2/2025
Landscape Site Plan, Drawing No: SEAM-ONE-ZZ-XX-DR-L-00001, Rev: P31, Received: 27/3/2025
Arboricultural Report- Elliott Consultancy Ltd, Ref: ARB/AE/3428, dated: November 2024

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

3. The Biodiversity Gain Plan shall be prepared in accordance with the Ecological documents submitted with the application, Biodiversity Net Gain Assessment- Version 4 by OS Ecology reference 24103 V4 and dated February 2025 (Received 24/2/2025).

Reason: In the interests of clarification and to help deliver a biodiversity net gain on site in accordance with Schedule 7a of the Town and Country Planning Act 1990.

4. Prior to the commencement of development, a Habitat Management and Monitoring Plan (the HMMP) prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:
 - a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, and approved in writing by, the local planning authority.
 - f) A timetable for implementation and completion of creation and enhancement works.
 - g) Notice in writing shall be given to the Council within 10 working days of the implementation of the HMMP
 - h) Notice in writing shall be given within 10 working days of the completion of the habitat creation and enhancement works as set out in the HMMP and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
 - i) Thereafter the created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP] for a period of 30 years following the completion of the development.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Local Plan Policy BIO1 and Schedule 7A of the Town and Country Planning Act 1990.

5. Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the M1 motorway).

Once agreed, construction of the development shall then be carried out in accordance with the submitted Construction Traffic Management Plan.

Reason: To mitigate any adverse impact from the development on the M1 motorway in accordance with DfT Circular 01/2022.

6. Prior to the commencement of development details of measures to permanently restrict the vehicular access to County Way via the servicing route shall be submitted and approved in writing by the Local Planning Authority. Once agreed, the details shall be implemented prior to the development being brought into use and permanently retained thereafter.

Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

7. Prior to the commencement of development, details of the temporary access and servicing arrangements (during the construction period) for DMC01; Courthouse Public House; 20 and 22 Regent Street shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the details shall be implemented upon commencement and retained throughout the construction period.

Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

8. Prior to the commencement of development a survey of the condition of the adopted highway condition to be used by construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Local Highway Authority prior to the survey being undertaken. The survey must consist of:
 - A plan to a scale of 1:1250 showing the location of all defects identified;
 - A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

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 and in accordance with Local Plan Policy T4: New development and Transport Safety.

9. Prior to the commencement of development, elevational drawings including materials and colours of the proposed substation building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the substation building shall be constructed in complete accordance with the approved details and maintained as approved for the lifetime of the development .

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

10. Prior to the commencement of development, full foul and surface water drainage details, including Yorkshire Water Permission to discharge, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter 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 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3: Flood Risk.

11. Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The

approved Statement shall be adhered to throughout the period of engineering operations and construction. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Means of access for construction traffic
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi. Wheel washing facilities, or other measures to prevent mud and debris being carried onto the highway
- vii. Measures to control noise levels during construction
- viii. Details of the provision of an on-site water supply or water storage facility;
- ix. Measures to control the emission of dust and dirt during construction, earthworks or cut/fill;
- x. 24 hour emergency contact number
- xi. Any necessary temporary traffic management arrangements
- xii. Methods of communicating the Construction Management Plan to staff visitors and neighbouring residents and businesses
- xiii. A copy of the communication strategy in relation to closure of car park during construction period

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection and in the interests of highway safety in accordance with Local Plan Policy T4: New development and Transport Safety.

12. Prior to the commencement of development full details of the soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees, shrubs and/or hedgerows to be retained shall be submitted to and approved in writing by the local planning authority. The approved landscaping details shall be implemented in the first planting season following the completion of any engineering/construction works in their immediate vicinity which may impact on them when planted.

Reason: In the interests of the visual amenities of the locality and to provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

13. Prior to the commencement of development, full details of the boundary treatments; surface materials of all external areas and any other hard landscaping including seating areas and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, design, materials, height and colour palette.

Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

14. Prior to the commencement of development, full details of the proposed central pathway design shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the design, features, materials and colour palette.

Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

15. Prior to the commencement of development, full details of the proposed street furniture and signage within the public park shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Details of all benches/seating/litter bins;
 - b) Way finding signs and links to other footpaths and locations;
 - c) Location, type, design, materials, colour palette, size, for each of the above;
- Once agreed, the development shall not be brought into use until the furniture and signage are implemented in accordance with the approved details maintained as approved for the lifetime of the development.

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

16. Prior to the commencement of development, full details of the lighting scheme and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the position of the cameras and lighting, as well as the lighting and luminance levels.
- Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

17. Prior to the commencement of development, details of lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be reviewed a suitably qualified ecologist to demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:
- a. Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
 - b. A drawing showing dark corridors and buffer areas;
 - c. A report and drawings showing how and where lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include:
 - i. Technical descriptions, design or specification of lighting to be installed including shields, cowls or blinds where appropriate;
 - ii. A description of the luminosity of lights and their light colour;
 - iii. A plan showing the location and where appropriate the elevation and height of the light fixings;
 - iv. Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
 - v. Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.All lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: To protect ecological species and habitats in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.

18. Prior to the commencement of development, a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting features, and nesting

opportunities for birds, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the following details:

- a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- b) Materials and construction to ensure long lifespan of the feature/measure
- c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- d) When the features or measures will be installed within the construction, occupation, or phase of the development.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason: To protect ecological species and habitats in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.

19. Prior to the commencement of development, a Construction Environmental Management Plan - Biodiversity (CEMP-B) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) An Invasive Non Native Species (INNS) protocol to ensure INNS are not spread in the wild;
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- f) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s).

Reason: To protect ecological species and habitats in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.

20. Prior to the commencement of development, a scheme for the ongoing management and maintenance of proposed carriageways, footways, footpaths, street furniture and signage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented thereafter

Reason: To ensure that the development and landscaped areas are appropriately managed and maintained to ensure the safety of all users in accordance with Local Plan Policy D1: High Quality Design and Place Making.

21. Upon commencement of development, a detailed scheme for signing and lining of the car park, servicing route and public realm shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the layout of all parking bays, pedestrian routes, directional signage and any other necessary markings or signage required to ensure safe and efficient use of the development. The approved scheme shall be fully implemented before the development is brought into use and maintained in a good condition thereafter.

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4: New development and Transport Safety

22. The development hereby approved shall not be brought into use until a landscape management and maintenance plan has been submitted to and approved in writing by the local planning authority. The plan shall include the long-term design objectives; management responsibilities of all landscaping and the maintenance schedules for all landscape areas, as well as details of aftercare for a minimum of 5 years following practical completion of the landscape works. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season.
Once agreed, the landscape management plan shall be carried out in accordance with the approved document.
Reason: To provide a high-quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.
23. The development hereby approved shall not be brought into use until a Traffic Regulation Order to regulate the use of car park and servicing route has been secured by the Local Highway Authority.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4: New development and Transport Safety.
24. The development hereby approved shall not be brought into use until the means of access for pedestrians has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall be retained thereafter for the lifetime of the development.
Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.
25. The development hereby approved shall not be brought into use until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall be retained thereafter for the lifetime of the development.
Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.
26. The development hereby approved shall not be brought into use until a service route management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide for a regular monitoring regime and a system for identifying and correcting issues should they arise.
Once approved it shall be strictly adhered to at all times.
Reason: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.
27. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.
Reason: To prevent pollution of the aquatic environment and protect the public sewer network.
28. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include but not be exclusive to the means of

restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

29. Construction or demolition related activity shall only take place onsite 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: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.

30. The parking/manoeuvring facilities, shown on the approved plan(s), 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: In the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

INFORMATIVES

1. If any unrecorded routes have been used unchallenged by the public for 20+ years, or for a lesser period under common law, those routes may have acquired public access rights. Members of the public may apply to have such rights formally recorded and if an application is made, the Council has a legal duty to research the claimed rights and reach a decision based exclusively on the available evidence about the status of the claimed routes. If such an application is made and accepted, the route would have to be accommodated within any development proposals. If the applicant has questions about any unrecorded routes, they should contact publicrightsofway@barnsley.gov.uk to discuss.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

3. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities

could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

4. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.
5. A Traffic Regulation Order (TRO) is necessary. You must submit a plan to a scale of 1:1250 of the indicative scheme, along with timescales for the commencement and completion of the development hereby approved. Please be aware that the process is statutory and involves public advertisement of the proposals and the resolution of objections. The outcome of the process cannot be guaranteed. Time based fees are payable for the administrative process, including legal costs, and are separate from the costs of lining, signing and resurfacing required by the TRO. You should expect a minimum of twelve months to elapse between the LHA's Traffic team confirming that it has all the information necessary to enable it to proceed and the TRO is advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed. For more information and arrangements contact Traffic by emailing Traffic@barnsley.gov.uk
6. Fees associated with the required condition survey together with any necessary remedial works are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement.
7. The contractor shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the public highway is an offence under provisions of the Highways Act 1980.

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1 – Masterplan Layout:



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Item 4

Application	2
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Application reference number	2024/1062
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Application Type	Full Planning Permission
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Proposal Description:	Installation of three sculptures with lighting and acoustic features within proposed public open space.
Location:	Lower Car Park, The Seam, County Way, Barnsley

Applicant	Barnsley MBC
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Number of Third Party Reps	3	Parish:	N/A
		Ward:	Central Ward

SUMMARY

This application has been submitted by BMBC in relation to the erection of 3x sculptures within the proposed public realm. The creation of the public realm is to be assessed separately under planning application: 2024/1060

The application site falls within Development Site 3 – Courthouse Campus, with Local Plan Policies BTC21 and BTC22 identifying that the creation of a new public park/open space would be supported in principle.

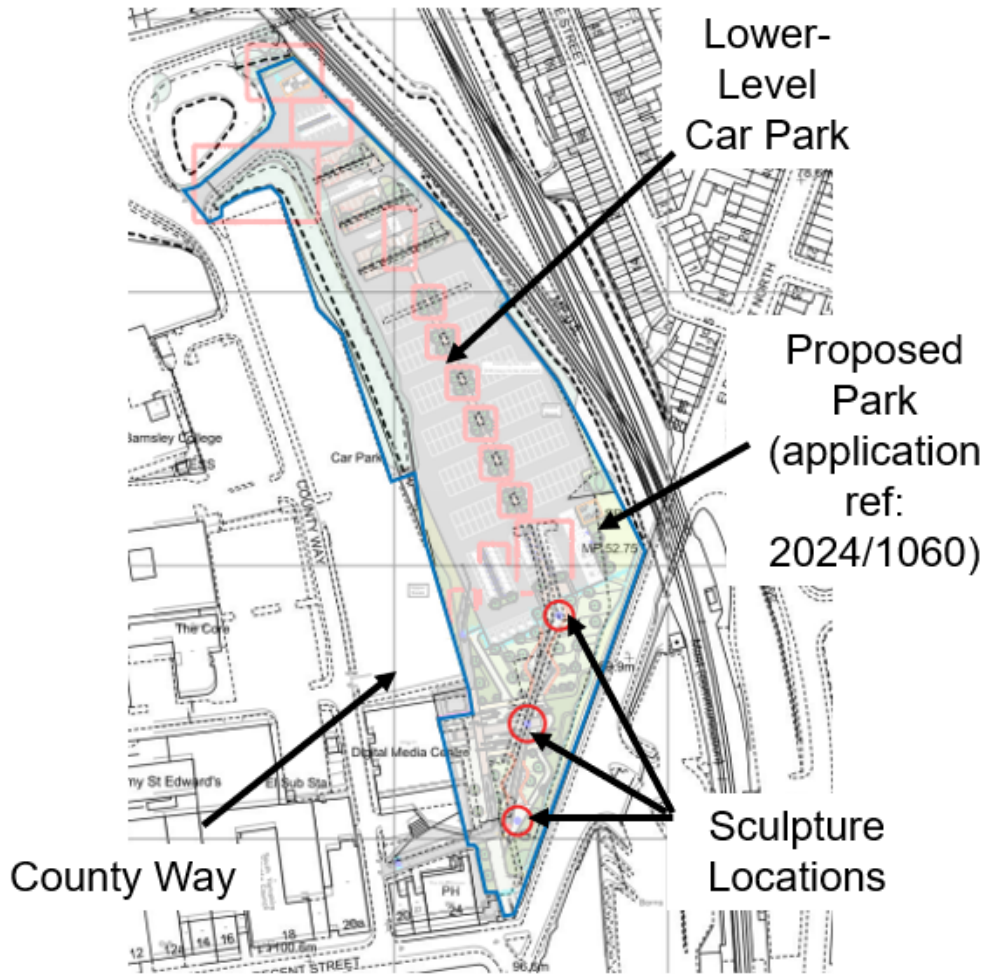
The application has undergone two rounds of publicity following alterations to the development description. Additional information has been provided in relation to lighting and acoustic of the sculptures.

There are no outstanding consultee objections or concerns.

The application is being presented to Members due to it being a Council proposal.

Recommendation: Planning Permission GRANTED subject to conditions.

Location Plan



Introduction

The application is being presented to Members due to the applicant being a Barnsley Metropolitan Borough Council department. This application follows on from lengthy pre-application discussions.

An application for the change of use of the existing car park to create a public park has been submitted separately, as set out in the planning history below.

Site Description

The application site lies in the most southern section of The Seam (Lower) car park which is accessed off County Way. The site is identified by 3x circles which indicate the proposed position of the sculptures within the proposed park.

The site is currently an existing car park (known as The Seam) which is split level and has a narrow shape, sandwiched between County Way to the west, Eldon Street to the south and the railway line to the east. The lower section of the car park is currently accessed via two slip roads off County Way, one to the north-west and the other to the south-west.

Barnsley College and Digital Media Centre (DMC) buildings are located along County Way. Part of the DMC01 building lies adjacent to application site, with the middle sculpture site immediately to the east. The Courthouse pub/bar is located to the south-west of the proposed park site with the existing pedestrian link adjacent to this building. The Courthouse pub building is Grade II listed. Other listed buildings are located along Regent Street.

Residential properties are located further along Eldon Street in a north-eastern direction.

Barnsley Train Station is close to the site, with the A635 to the north providing direct access into the Town Centre.

Relevant Site History

Application Reference	Application description	Status
(Associated Application) 2024/1060	Alterations to existing car park and provision of new public open space and landscaping with associated works.	UNDER CONSIDERATION
2022/0736	Hybrid planning application for a) full planning permission for a Multi-Storey Car Park (6 storeys above ground and 2 below ground) with 386no spaces, an Active Travel Hub (cafe, cycle hire / repair facility, retail, and cycle workshop space), a public realm scheme covering the entirety of the site and access, and b) outline planning permission with all matters reserved for 136 dwellings and 1887 sqm ground floor commercial space	WITHDRAWN
2022/0737	Re-grading of the existing pedestrian ramp to achieve a 1:21 fall (inclusive), excavation around the retaining wall and steps to the west of the ramp and replacement with Yorkstone flag	WITHDRAWN

	surfacing, removal and replacement of existing low retaining wall with railings and finger post sign to enable the extension of the pedestrian ramp, removal and replacement of stepped access from Eldon Street North and along the eastern edge of the pedestrian ramp with new 500mm max height concrete and Yorkstone cladding retaining walls and ornamental tree planting (Listed Building Consent).	
2008/0313	Demolition of existing offices and formation of car park.	GRANTED, 2/4/2008
2005/1754	Erection of five storey Digital Media Centre.	GRANTED, 8/12/2005
B/04/2010/BA	Renewal of planning consent B/01/0827/BA Erection of multiplex cinema and A3 (food and drink) unit (Reserved Matters).	GRANTED, 1/9/2003
B/03/1344/BA	Erection of single-storey Pizza Hut restaurant and two-storey office building.	GRANTED, 21/10/2003
B/02/0814/BA	Leisure development - health club and nursery (revised design).	GRANTED, 15/7/2002
B/01/0827/BA	Changes to external elevations of approved design of multiplex cinema and A3 (food and drink) unit. (approval of reserved matters).	GRANTED, 30/7/2001
B/00/1034/BA	Demolish existing council offices and construct new leisure development comprising cinema, health club and restaurants.	GRANTED, 12/10/2000
B/98/0284/BA	Outline planning permission for leisure development comprising multiplex cinema, two leisure units and three restaurants	GRANTED, 23/6/1998
B/97/0462/BA	Erection of 2.4m high boundary fencing and access gates.	GRANTED, 15/8/1997
B/95/0878/BA	Use of car parks for Sunday car boot sales	GRANTED, 14/9/1995
B/88/1522/BA	Alterations to offices and provision of pedestrian access way.	GRANTED, 25/11/1988
B/78/2226/BA	Erection of Phase II prefabricated single storey office accommodation with associated lavatories, store room and rest room.	HISTORIC, 16/1/1991
B/77/3149/BA	Erection of prefabricated single storey office accommodation with associated lavatories, store rooms and heating chamber, (approval of matters reserved by outline permission B/77/1541/BA)	HISTORIC, 9/1/1978

Proposal

The proposed development includes the erection of 3x sculptures, referred to as 'Yorkshire Roses'. Each sculpture will be funnel shaped, consisting of a tall slim column widening out to a flower-like feature towards the top, constructed using steel. The design concept of the 'Yorkshire Rose' structure is to create "an organic flower bloom canopy with patterned steelwork that mirrors various weave threads, coal mining seams, the veins of white rose petals and stamens".

The 3x sculptures would be positioned in a diagonal arrangement, within the central pathway which is proposed as part of the associated public realm application 2024/1060. The middle sculpture (sited to the east of the DMC building) would be the tallest, extending to 15m in height, whilst those to the north and south would be 12m in height. Each structure will be installed onto a concrete foundation with underground ducting to allow for electrical servicing.

The canopy feature would consist of a flower/petal tiered shape, with lighting and acoustic equipment within the structure. The submitted information sets out potential for a lighting and acoustic display which would take place once an hour between 4pm-10pm (taking into consideration daylight hours) which would last approximately 10 minutes.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019)

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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

Site Allocation/Designation

The sculpture site lies within the Town Centre (District 3 - Courthouse Campus) boundary as defined in the adopted Local Plan. The site (and the wider car park and DMC/College area) is allocated as a Town Centre Development Site and a Priority Public Space Improvement site.

The Regent Street/Church Street/Market Hill conservation area is to the south-west of the site. The northern part of the car park site is designated as a strategic area of opportunity for tall buildings.

The site lies within Flood Zone 1 as per the Environment Agency maps thus at low risk of flooding. All 3 of the sculpture sites fall within a high-risk development area as per the Mining Remediation Authority maps.

National Planning Policy Framework (NPPF 2024)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policies of relevance to this application includes:

Paragraph 90 state planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible and enable and support healthy lives through the provision of high-quality public space which encourage the active and continual use of public areas.

Paragraph 98 states that to provide social, recreational and cultural facilities, planning decisions should plan positively for the provision and use of shared spaces such as open spaces and meeting places.

Paragraph 103 emphasises the importance of high-quality open spaces and opportunities for new provision.

Paragraph 115 states that when assessing sites for allocated developments in plans or specific applications, it should be ensured that sustainable transport modes are prioritised taking account of the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated through a vision-led approach.

Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Paragraph 117 states that developments should give priority to pedestrian and cycle movements and facilitate access to high quality public transport with layouts that maximise the catchment area for bus and other public transport services. Developments should create places which are safe, secure and attractive and minimise conflicts between pedestrians, cycles and vehicles.

Paragraph 125 states that substantial weight should be given to the re-use of suitable brownfield land.

Paragraph 128 states local planning authorities should make more effective use of sites that provide community services such as access to open space.

Paragraph 131 states 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.

Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Paragraph 136 states that trees make a positive contribution to the character, and developments should include tree lined streets. Opportunities should be taken to incorporate trees elsewhere in the development which are compatible with highways standards and different user needs.

Paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. Decisions should also minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporate features which support priority or threatened species.

Paragraph 192 states proposals should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species as well as opportunities for securing measurable net gains for biodiversity.

Paragraph 196 states that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability.

Paragraph 198 states that planning decisions should ensure that new development is appropriate for its location taking into account likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site. This includes mitigate and reduce potential adverse impacts from noise from new development and limit the impact of light pollution.

Paragraph 199 states that planning decisions should take into account the presence of Air Quality Management Areas and developments should be consistent with the local air quality action plan.

Paragraph 200 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

Paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 208 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Barnsley Local Plan (2019)

Site-Specific Policy BTC21: Courthouse Campus states that the Local Planning Authority support the following types of development:

- Education and community facilities.
- Offices.
- Developments designed to support the creative and digital industries.
- Residential development, including live-work units.
- Multi storey car parking.
- A new public park and improved public spaces.

Site-Specific Policy BTC22: Development Site 3 – Courthouse Campus states that the Local Planning Authority will support:

- Education and community facilities.
- Offices.
- Developments designed to support the creative and digital industries.
- Residential development, including live-work units.

The development of the site will be expected to:

- Include the creation of a new public open space;
- Provide improvements to pedestrian links and public spaces; and
- Conserve or enhance the Conservation Area.

Relevant Local Plan Policies:

Local Plan Policy SD1: Presumption in Favour of Sustainable Development states that the presumption contained in the NPPF will be applied and the Local Planning Authority will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Local Plan Policy GD1: General Development states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land. Proposals shall include landscaping to provide a high-quality setting for buildings, incorporating existing landscape features and mitigate/minimise any adverse impact upon the environment, natural resources and pollution. Adequate access and internal roads shall provide appropriate vehicular and pedestrian links, whilst drains, culverts and surface water bodies shall be considered. Appropriate landscaping shall be provided where sites are adjacent to open countryside and pylons shall also be considered within proposed layouts.

Local Plan Policy I2: Educational and Community Facilities states that the Local Planning Authority will support the provision of community facilities such as meeting places, where there are located centrally to the communities they serve in places where they will be accessible by walking, cycling and public transport.

Local Plan Policy T3: New Development and Sustainable Travel states that new development will be expected to be located and designed to reduce the need to travel; be accessible by public transport and meet the needs of pedestrians and cyclists. Developments shall provide minimum levels of cycle parking and a travel plan in accordance with NPPF guidance. Transport assessments should also be in accordance with NPPF guidance and have regard to cross boundary local authority impacts. Where levels of public transport accessibility are unacceptable, developers will be expected to make financial contributions in accordance with Local Plan Policy I1.

Local Plan Policy T4: New Development and Transport Safety 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. Where a development is not suitably served by the existing highway, developers will be expected to make a financial contribution to secure necessary improvements.

Local Plan Policy D1: High Quality Design and Place Making states development should be of high-quality design and reinforce the distinctive, local character and features of Barnsley including landscape character, topography, important habitats, woodlands, townscape character, scale, layout, building styles and materials.

The policy follows on to state that developments should contribute to place making, be of high quality, that contributes to healthy and sustainable environments. This includes providing clear and obvious connections to the surrounding street and pedestrian network whilst promoting safe access routes. Developments should make the best use of materials and include comprehensive and high quality hard and soft landscaping schemes with high quality public realm. In terms of place making the development should make a positive

contribution to achieving qualities of a successful place such as character, legibility and permeability.

Local Plan Policy POLL1: Pollution Control and Protection states that development will be expected to demonstrate that there will be no increased in air, surface water/groundwater, noise, smell, dust, vibration or other pollution which would unacceptably affect the natural or build environments or people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Local Plan Policy CL1: Contaminated and Unstable Land states that developments which would be affected by contamination or stability issues must be accommodated by a report which shows that investigations have been carried out and sets out detailed measures to allow development to go ahead safely.

Local Plan Policy TC1: Town Centres states that Barnsley Town Centre is the dominant town centre whereby new retail and town centre developments will be directed.

Local Plan Policy BTC3: Public Spaces states that new developments must make a positive contribution to public spaces through its design, siting and use of materials.

Local Plan Policy BTC4: Improving Public Spaces states that community uses over 1000sqm shall include improvements to public spaces.

Local Plan Policy BTC7: Gateways states that developments on or next to gateways must create a strong, distinctive visual gateway to the town centre and a sense of arrival; be of high quality design; be designed to welcome people into the town centre and include good pedestrian links through the site.

Local Plan Policy BTC6: Building Heights states that tall buildings will only be allowed in locations identified as per the Building Heights Study. Planning applications for tall building must be accompanied by the required supporting information.

Local Plan Policy BTC11: Car Parks states that town centre car parks will be managed to allow short stay car parking and restrict long stay car parking. Long stay car parks will be located on the edge of the town centre. Short stay car parks will be located within the town centre.

Local Plan Policy BIO1: Biodiversity & Geodiversity states that development will be expected to conserve and enhance the biodiversity and ecological features of the borough by protecting and improving habitats, species and sites of ecological value. Developments should maximise biodiversity opportunities and converse/enhance the form, local character and distinctiveness of natural assets. Proposals should protect ancient and veteran trees and encourage the provision of biodiversity enhancements.

Local Plan Policy HE1: The Historic Environment positively encourages developments that help in the management, conservation and understanding of the historic environment. Part A states that proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention to those elements which contribute most to the borough's distinctive character and sense of place will be supported. Part C follows on to state that proposals which preserve or enhance the character or appearance of a conservation area will be supported.

Other applicable Local Plan policies include:-

Policy LC1: Landscape Character

Policy CC1: Climate Change
Policy CC2: Sustainable design and Construction
Policy GS1: Green Space
Policy GS2: Green ways and Public Rights of Way
Policy RE1: Low Carbon and Renewable Energy
Policy AQ1: Development in Air Quality Management Areas
Policy UT2: Utilities Safeguarding
Policy BTC5: Landmark Buildings

Supplementary Planning Documents

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019 to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

- Parking, November 2019
- Sustainable Construction and Climate Change, July 2023
- Development on land affected by contamination, November 2019
- Sustainable Travel, July 2022
- Trees & Hedgerows, May 2019
- Biodiversity & Geodiversity, May 2019
- Heritage Impact Statements, May 2019

Summary of Relevant Consultations

BMBC Air Quality – No response.

BMBC Biodiversity Officer – An updated Ecological Appraisal has been submitted to support the wider change of use/public park application. That report does recommend that bat and bat boxes should be installed on the structures (in addition to trees). However given the design of the structures, the inclusion of boxes would be difficult. No objections subject to a condition relating to the lighting scheme.

Local Ward Councillors – No response.

BMBC Commercial Services – No response

BMBC Conservation Officer – Initially had some queries regarding the submitted Heritage Impact Assessment. However, following direct discussions with the Heritage consultant all queries have been addressed/overcome. No objection and no conditions required.

BMBC Contaminated Land Officer – No response.

BMBC Forestry Officer – No objection to this application, the wider landscaping will be dealt with by the separate public park application.

BMBC Drainage – No objection, no condition required.

BMBC Highways DC – Initially queried the glint and glare levels associated with the proposed lighting displays and the impact this would have upon drivers. However, as the final lighting design has not been agreed, this will be assessed further at condition discharge

stage. The sculptures are not classed as highway structures and therefore the Council's structures team have no comments to make. No objection subject to condition requiring a construction method statement to be submitted prior to commencement.

Historic England – No objections.

Mining Remediation Authority – Although the site falls within a High-Risk development area, the nature of the development is exempt. No objection on this basis.

National Air Traffic Services – No objection.

Natural England- No response.

Network Rail – No objection, though the applicant is encouraged to continuously engage to ensure that works can go ahead safely and without impact upon railway operations.

Northern Powergrid – No response.

Planning Policy – The wider change of use proposal is not a comprehensive redevelopment of the Courthouse Campus Development Site 3 as envisaged within Local Plan Policy BTC22, with the park being much smaller than the indicative plan shown on page 218 of the Local Plan. However, the proposal does not prevent the remainder of the Courthouse Campus Development site being redeveloped, with this development expected to complement existing open spaces within the town centre. Subject to appropriate design and conservation policies being accorded with, the proposal is considered to be acceptable in principle.

BMBC Pollution Control – No objection, no conditions required.

BMBC Public Rights of Way – No objection subject to informative.

BMBC Regeneration – No response.

South Yorkshire Mining Advisory Service – The mining legacy risks are low, and the nature of the proposal is exempt from further assessment. No objection on this basis, though standing advice should be applied as an informative.

South Yorkshire Mayoral Combined Authority – No comments to make.

South Yorkshire Police – No response.

Town Centre Car Parks – Loss of car parking dealt with by other application.

BMBC Urban Design Officer – The Officer has been involved during earlier design stages and is overall in support of the scheme subject to conditions requiring further details of the final designs/elevation drawings with particular regard to lattice design; colour specifications; full details of lighting and acoustic displays; foundation details and a long-term management and maintenance plan.

BMBC Waste Management- No response.

Yorkshire Water – No response.

Environment Agency- No response.

Representations

This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application has undergone two rounds of publicity as follows:

First Round (original submission) overall date of expiry: 7/2/2025

- Advertised on the Council website;
- Adjacent residents notified by letter;
- Site notices displayed adjacent to the site;
- Advertised in local press.

2 neighbour representations were received in response to the above publicity, raising the following material planning considerations:

- Concerns regarding operational costs of sculptures;

Second Round (amended description) overall date of expiry: 25/3/2025

- Advertised on the Council website;
- Adjacent residents notified by letter;
- Site notices displayed adjacent to the site;
- Advertised in local press.

1 further comment was received, summarised as follows:

- Poor use of public money

Concerns regarding the loss of car parking are dealt with as part of the public park application (ref: 2024/1060).

Assessment

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The NPPF (December 2024) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The main issues for consideration are as follows:

- The Principle of the Development
- Impact upon Character and Appearance of Surrounding Area and Conservation Area
- Highways Considerations
- Impact Upon Adjacent Residents & Businesses
- Economic Impacts

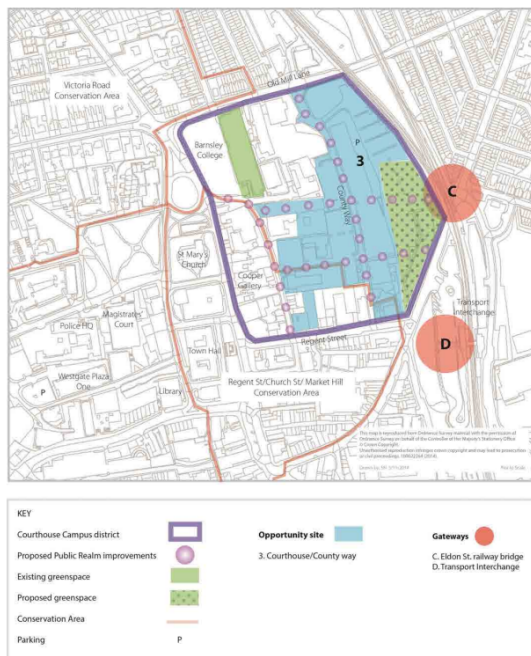
For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

The Principle of the Development

The site falls within the Courthouse Campus area of the town centre, with Local Plan Policy BTC21 and BTC22 setting out the supporting uses in this area.

Local Plan Policy BTC21 states that a new public park and improved public spaces will be supported along with a multi-storey car park. Local Plan Policy BTC22 also states that the Courthouse Campus area will be expected to deliver a new public open space in addition to pedestrian links and public spaces. This policy is supported by the following inset map which indicates the suggested location for new greenspace.



Whilst the policy designation does not directly refer to the installation/erection of sculptures, this proposal is related to the public park development. The structures are proposed within the area shown as 'proposed greenspace' and therefore support the public realm proposal.

On this basis, whilst structures are not directly referenced in the Local Plan policies, the principle of the development relates to the public park designation and is therefore acceptable. This is afforded substantial weight.

Environmental Impacts

Paragraph 8 (C) of the NPPF sets out the environmental objective which includes protecting and enhancing the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The environmental impacts of the proposed development are assessed as follows:

Impact upon Character and Appearance of Surrounding Area and Conservation Area

The application has been supported by elevational drawings and a visualisation assessment, both of which have been reviewed by the Urban Design Officer. The structures themselves will be modern in appearance, finished in steel with decorative features to create a rose like design.

Whilst the height of the structures is tall, being up to 12m and 15m, the footprint at ground level is very modest, being of a slim column 3.2m wide (central structure) and 2.6m (north and south structures) respectively, widening out at height, with a maximum width of approximately 13m (central structure) and 10.5m (north and south structures) towards the top. The Urban Design Officer is accepting of the proposal, and the visual images demonstrate how the structures will blend into the existing built form and not dominate the appearance of the skyline.

The Conservation Officer and Urban Design Officer initially queried the impact the development would have upon views of the Town Hall and wider Barnsley Town Centre. However, the updated Heritage Impact Assessment addresses the reservations and overall there is no objection in terms of the impact upon the visual landscape.

It is also important to note that the northern end of the existing car park is identified as a location for taller buildings within the adopted Local Plan. Therefore, the principle of tall structures is accepted.

The Urban Design Officer has suggested conditions relating to further design details. This includes colours, specifications and full details of the daily light displays.

Questions regarding the long-term maintenance of the structures were also raised. To ensure that the sculptures appear visually attractive for the lifetime of the development, a pre-commencement condition is attached to this effect, which requires full management and maintenance details.

The sculpture proposal will add interest to an otherwise linear public space, making it unique in comparison to other areas of public realm. The lighting and acoustic features will be utilised during the community events and create a sense of place within the public realm. In summary, the appearance of the proposed development accords with the relevant design policies as set out in the Local Plan and NPPF and is therefore afforded substantial weight.

Highways Considerations

The wider impact upon the existing car park is assessed within application ref: 2024/1060.

The Highways DC Officer has liaised with the Council's highway structures team to understand whether the relevant technical approval is required in regard to the structural design of the sculptures. However, because the sculptures will not be classed as highway structures, the structures team will not be responsible for any maintenance liabilities and therefore further assessment is not necessary.

The Highways DC Officer has reviewed this proposal in terms of the impact upon highway safety. It is acknowledged that the proposed lighting display has the potential to cause glare issues upon drivers of nearby roads, particularly along Eldon Street. In response to this, the lighting display condition confirms that highway safety cannot be compromised. The lighting

display details should include a full glint and glare study which demonstrates the extent of the lighting displays and ensure that this has no impact upon drivers.

Subject to the above details being satisfactory, the Highways DC Officer has no objection to the proposal. This is afforded significant weight.

Biodiversity Considerations

The wider impact upon ecological species as part of the public park creation/car park works are assessed within application ref: 2024/1060. In terms of this application, the erection of the sculptures is not considered to harmfully impact species. The submitted report does suggest the installation of bird and bat boxes onto the structures. However, given the overall design and the use of the electrical equipment within the sculptures, the addition of bird and bat boxes is not considered to be suitable in this instance. The measures within the wider open space and car park will be provide satisfactory mitigation.

The hourly lighting displays do have the potential to impact ecological species. A condition is therefore attached which ensures that the lighting scheme/displays are designed in collaboration with a suitably qualified ecologist and the necessary details are submitted prior to commencement.

In terms of the acoustics, it is not expected that this would impact ecological species given the existing background noise levels associated with traffic; pedestrian movements and the nearby railway line in this town centre location.

Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the PPG) are met. Paragraph 003 of the PPG confirms that the development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, and 5 metres of linear habitats such as hedgerows is subject to the de minimis exemption.

The Biodiversity Officer is satisfied that the development meets the de minimis exemption for BNG. The BNG conditions therefore do not apply in this case.

Subject to the conditions attached being suitably discharged, the Biodiversity Officer has no objection to the development. This is afforded moderate weight in the planning balance.

Summary of Environmental Impacts

Overall, and taken in context that this site is allocated for the development of a public park and car parking (as well as other uses), the appearance and design of the development is considered to be acceptable. Additional information is required to show the final designs and specifications of the sculptures, however based on the details provided the proposal is suitable when taking into account the surrounding character and the proposed function.

The development will provide 3x distinctive sculptures which will contribute towards the appearance of the proposed town centre public park and create a unique sense of place. The development therefore accords with NPPF sections 11 and 12 and Local Plan Policies D1 in terms of design.

The site's proximity to local transport links and the town centre makes it easily accessible for residents of Barnsley. The Highways DC Officer has no objection to the erection of the sculptures subject to the necessary conditions. The proposal therefore accords with the NPPF Section 9 and Local Plan Policies T3 and T4 in terms of transport and connectivity.

The Biodiversity Officer is satisfied with the proposals and consider that there would be no detrimental impact upon species caused by the erection of the sculptures and the associated light and acoustics. The development is acceptable subject to further details regarding the lighting scheme and therefore accords with Local Plan Policy BIO1.

The environmental impacts of the development are considered to be acceptable, and significant weight should be attached to this in favour of the development.

Social Impacts

NPPF Paragraph 8(B) sets out the social objective, stating that proposals should support strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

The social impacts of the development are assessed as follows:

Impact Upon Adjacent Residents & Businesses

The application site is primarily surrounded by existing businesses and educational premises, with the closest residential properties located on Bridge Street and Old Mill Lane. However, given the height and scale of the proposed sculptures, it is recognised that residents from further away may also be impacted, though the structures would be seen against the existing DMC and other town centre buildings and not appear isolated.

As addressed in the section above, the Urban Design Officer is satisfied with the impact the development will have upon the appearance and views of the town centre landscape. It is acknowledged that the development will alter the views from residential properties and businesses, though will not impact amenity.

The lighting and acoustics associated with the development may cause some disturbance upon nearby properties. Albeit the lighting displays are expected to occur hourly between the hours of 4pm – 10pm and last no longer than 10 minutes. Further information regarding the acoustic levels and the extent of the lighting arrays will be assessed as part of the condition discharge process. Nevertheless, the short period of the light shows is not expected to cause detrimental harm upon amenity. Nearby residents and businesses will already experience some element of disturbance associated with vehicle movements and comings and goings given the town centre location. On this basis, the additional light and noises created by the 3x sculptures will not be significantly harmful.

It is recognised that the tallest sculpture is located within close proximity to the DMC building, meaning some glare and noise disturbance could impact students/users of that building. However, as mentioned above, the light displays are expected to commence at 4pm during winter months and later during summer months (based on daylight hours). Online information suggests that the DMC building closes at 5pm, and therefore users would only experience one lighting show per day during winter months. On this basis, the disturbance introduced is not considered to be detrimental. It should also be recognised that the operators of that building have not submitted any comments in response to the application publicity.

In summary and taking into account the town centre location of the site, the impact upon residential amenity and the running of local businesses is not considered to be harmful. Whilst the development will create some disturbance in terms of lighting and acoustics, this will be restricted to certain short time periods rather than throughout the day or continuous.

Overall, the impact upon amenity is considered to be limited which weighs considerably in favour of the application.

Summary of Social Impacts

Overall, and taken in context that this site is allocated for the development of a public park and car parking (as well as other uses), the positive social impacts of the development are welcomed. The NPPF emphasises the importance of good access to high-quality public spaces. Whilst the proposed sculptures do not have direct social impacts, their unique design will encourage visitors to the public park.

The development is not expected to cause disturbance upon neighbouring businesses and/or the adjacent college building, with further details regarding the extent of the lighting and acoustics are to be provided prior to the commencement of any development.

In summary, the development accords with Local Plan Policy POLL1 and GD1. The social impact of the development is considered to be acceptable, and substantial weight should be attached to this in favour of the development.

Economic Impacts

NPPF Paragraph 8(A) sets out the economic objective, stating that proposals should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

It is understood that access into the public park to view the sculptures will be available at no-cost and be open to all residents. This means that the development will not directly generate an income. It is assumed that the general maintenance of the sculptures will be picked up by the BMBC Park and Street Lighting teams, however further maintenance details are to be agreed as per the suggested condition.

It is noted that within the representations, concerns regarding the financial costs of the sculptures were raised, with residents suggesting that public money should not be used to fund the development. Whilst it is recognised that the construction and maintenance of the development may be significant, it is not the role of the local planning authority to comment on the funding of projects. Nevertheless, the environmental and social benefits of the scheme (in combination with the wider public park proposals) outweigh the economic concerns associated with the sculpture development. On this basis, limited weight is afforded to the representations in this regard.

The development will create a number of jobs during the construction phase, albeit this would be a temporary impact.

Whilst the development is not expected to be a tourist operation, the unique design of the proposed sculptures has the potential to attract visitors to the town centre from further away, which has an impact upon footfall within the town centre and positive effect on local businesses.

Summary of Economic Impacts

Overall, and taken in context that this site is allocated for the development of a public park and car parking (as well as other uses), the economic impact of the development is limited. Whilst some jobs will be indirectly created during the construction period, this will not create substantial economic benefits. The concerns regarding the financial cost of the development

and impact upon public monies is not considered to be justified and therefore is afforded limited weight.

Whilst the development offers limited economic benefits, this is substantially outweighed by the social and environmental benefits of the scheme described in the sections above. The economic benefits are therefore afforded moderate weight.

Planning Balance & Conclusions

Conclusion

The National Planning Policy Frameworks is an important material consideration related to this case, in particular paragraph 96 which states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible and enable and support healthy lives, through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

The principle of the public park development is assessed within separate application reference: 2024/1060 which accords with the overarching policy designation of the site.

Whilst the adopted Local Plan does not directly refer to the erection of sculptures and/or artwork within the public park, this development will contribute towards the appearance and character of the public open space, making it a unique town centre destination which is distinctive in comparison to other public spaces. The development will attract visitors to the town centre as well as enhance views of the town centre landscape.

External and internal consultees have reviewed the application submission, with no outstanding concerns or queries subject to the conditions attached. The conditions require further details of materials; design and specifications, particularly in regard to maintenance and the lighting display/acoustic information.

The development provides limited economic benefits, and it is recognised that concerns regarding the financial cost of the sculptures have been received. However, the social and environmental benefits associated with the scheme significantly outweigh these concerns. The proposal will enhance the appearance of the public park in an easily accessible location, close to the Barnsley Travel Interchange and town centre. The development along with the wider public park, will provide much needed social space within the town centre which will be used for community events and gatherings.

Whilst the sculptures are large in terms of their height and scale, this unique design will enhance the appearance of the area and provide a sense of place. Both the Urban Design Officer and Conservation Officer are satisfied with the proposed design subject to the necessary information being provided. Overall, and taking account the planning balance, the development is acceptable.

Recommendation

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

CONDITIONS/REASONS

1. The development, hereby permitted, shall be begun before the expiration of two years from the date of approval.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following plans and documents except as may be substituted with subsequently approved details:
Location Plan - Yorkshire Rose Sculptures SEAM Barnsley
Site Plan & Elevations, Drawing No: SEAM WR 1A
Block Plan - Yorkshire Rose Sculptures SEAM Barnsley
Cross Section Elevations, Drawing No: SEAM WR 3A
Elevation & Plan View, Drawing No: SEAM WR 2A
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1: High Quality Design and Place Making.

3. Prior to the commencement of development, full details and design drawings of the proposed lattice design of the inner and outer canopies shall be submitted to and approved in writing by the Local Planning Authority. The information shall include the design, materials and colour palette.
Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.
Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

4. Prior to the commencement of development, full details and design drawings of the proposed acoustic equipment and their position on the structure shall be submitted to and approved in writing by the Local Planning Authority. The information shall include the design, materials and colour palette.
Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.
Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

5. Prior to the commencement of development, full details of the materials and colours (including RAL codes) of the proposed sculptures shall be submitted to and approved in writing by the Local Planning Authority.
Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.
Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

6. Prior to the commencement of development, full details of the proposed lighting and acoustic displays shall be submitted to and approved in writing by the Local Planning Authority. The information shall include (but not limited to):
 - a) Exact timings;
 - b) Regulatory of displays;
 - c) Details of special events;
 - d) Maximum acoustic levels;
 - e) Extent of lighting arrays;
 - f) Glint and glare impacts;

The lighting display shall ensure that the safety of public highway users is not compromised at any time.

Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making, in the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

7. Prior to the commencement of development, details of lighting scheme/displays shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme/displays shall be reviewed by a suitably qualified ecologist to demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:
 - a. Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
 - b. A drawing showing dark corridors and buffer areas;
 - c. A report and drawings showing how and where lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include:
 - i. Technical descriptions, design or specification of lighting to be installed including shields, cowls or blinds where appropriate;
 - ii. A description of the luminosity of lights and their light colour;
 - iii. A plan showing the location and where appropriate the elevation and height of the light fixings;
 - iv. Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
 - v. Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

The lighting display shall operate in accordance with the specifications set out in the approved details for the lifetime of the development.

Reason: To protect ecological species and habitats in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.

8. Prior to the commencement of development, full details of the foundation design/construction shall be submitted to and approved in writing by the Local Planning Authority.

Once agreed, the development shall be carried out in accordance with the approved details and maintained as approved for the lifetime of the development.

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.
9. Prior to the commencement of development, a management and maintenance plan shall be submitted to and approved in writing by the local planning authority. The plan shall cover a 5 year period (minimum) and include the management and maintenance responsibilities of all parts of the sculptures. The plan shall include (but not limited to):
 - a) Who will manage and maintain the sculptures;
 - b) How any potential graffiti is removed;
 - c) How the external colour/materials are maintained;
 - d) How the acoustic equipment is maintained;
 - e) How the lighting equipment is maintained;
 - f) How any litter/debris collection within the canopy is prevented and/or disposed of;

Once agreed, the management and maintenance of the development shall be carried out in accordance with the approved document.

Reason: To provide a high quality development in accordance with Local Plan Policy D1: High Quality Design and Place Making.

10. Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for (but not exclusively):
 - a. 24 hour emergency contact number (as required)
 - b. The parking of vehicles of site operatives and visitors
 - c. Means of access for construction traffic
 - d. Loading and unloading of plant and materials
 - e. Storage of plant and materials used in constructing the development
 - f. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - g. Any necessary temporary traffic management arrangements
 - h. Measures to prevent mud and debris being carried onto the highway
 - i. Measures to control the emission of dust and dirt during construction
 - j. Measures to control noise levels during construction

Reason: To ensure that satisfactory access arrangements are provided, in the interests of highway safety and in accordance with Local Plan Policy T4: New development and Transport Safety.

INFORMATIVES

1. *If any unrecorded routes have been used unchallenged by the public for 20+ years, or for a lesser period under common law, those routes may have acquired public access rights. Members of the public may apply to have such rights formally recorded and if an application is made, the Council has a legal duty to research the claimed rights and reach a decision based exclusively on the available evidence about the status of the claimed routes. If such an application is made and accepted, the route would have to be accommodated within any development proposals. If the applicant has questions about any unrecorded routes, they should contact publicrightsofway@barnsley.gov.uk to discuss.*
2. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.
3. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which

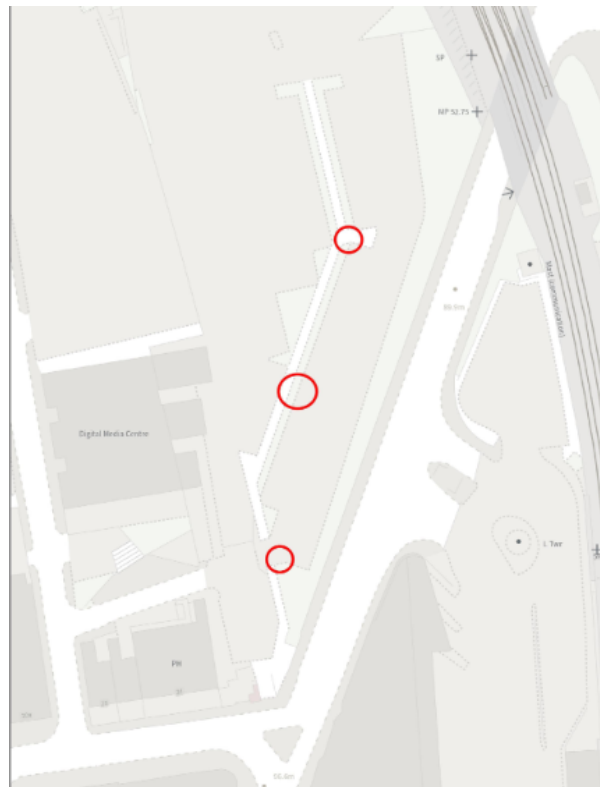
takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

4. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

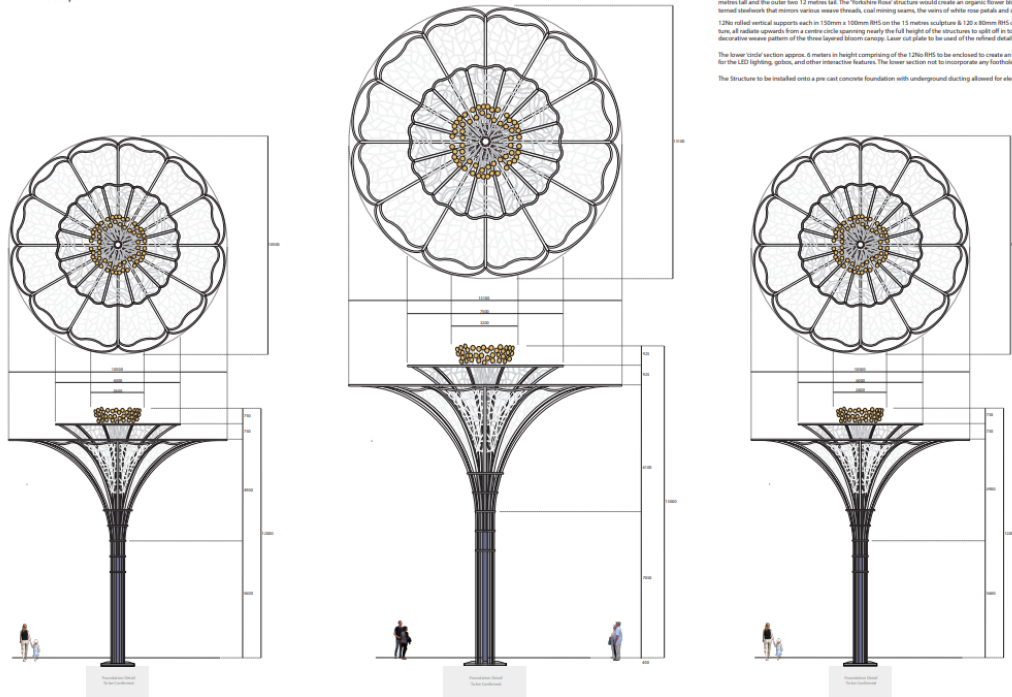
If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.



Appendix 1 – Proposed Elevations

Yorkshire Rose Sculptures 2A - Scale 1.50
Elevation & Plan View of Sculptures



These Super Structures are proposed for SEAM constructed in mild steel with protective decorative finishes with the central one 15 metres tall and the outer one 12 metres tall. The Yorkshire Rose structure would create an organic flower canopy with perforated steelwork that mirrors various woven threads, coal mining seams, the veins of white rose petals and stamens.

120x120x120 vertical supports each to 1500mm BBS on the 15 metres sculpture & 200x200x200 on the 12 metres sculpture, all radiate upwards from a centre circle spanning nearly the full height of the structure to split off in to CFS steel to create the decorative woven pattern of the three layered flower canopy. Lower can plates to be used of the refined detailed areas.

The lower tower section approx. 6 metres in height comprising of the 120x120 BBS to be enclosed to create an accessible slender pillar for the LED lighting, gongs, and other interactive features. The lower section not to incorporate any footpaths.

The Structure to be installed onto a pre cast concrete foundation with underground ducting allowed for electrical services.

Red Line Boundary

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Item 5

Application	3
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Application reference number	2025/0119
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Application Type	Full
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Proposal Description:	Change of use of existing building to office space, the installation of a new glazed door and screen to the front southern elevation of the building, the reconfiguration of the existing parking spaces, erection of boundary fencing and gates, and erection of CCTV columns and re-location of lighting columns.
Location:	Car Park John Street Barnsley Barnsley, S70 1LL

Applicant	Mr P Castle on behalf of BMBC
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Number of Third Party Reps	None	Parish:	None
		Ward:	Central Ward

SUMMARY

The application has been submitted by BMBC and seeks full planning permission for the change of use of existing building to office space, the installation of a new glazed door and screen to front southern elevation of the building, the reconfiguration of the existing parking spaces, erection of boundary fencing and gates, and erection of CCTV columns and re-location of lighting columns.

The development is to re-locate the home to school service base from Smithies Depot to John Street due to health and safety issues at Smithies Depot; the intention is to source a new, permanent site for the home to school depot.

The site lies within the Southern Fringe District part of the Town Centre and is the subject of site-specific Local Plan Policy BTC16: Development Site 2 - Heelis Street / New Street / Gala Bingo / Burleigh Court Site as defined in the adopted Barnsley Local Plan. Additional information and clarification has been provided during the course of the application in relation to boundary treatment, site layout and minor alterations to the building.

There are no outstanding consultee objections or concerns.

The application is being presented to Members due to it being a Council proposal.

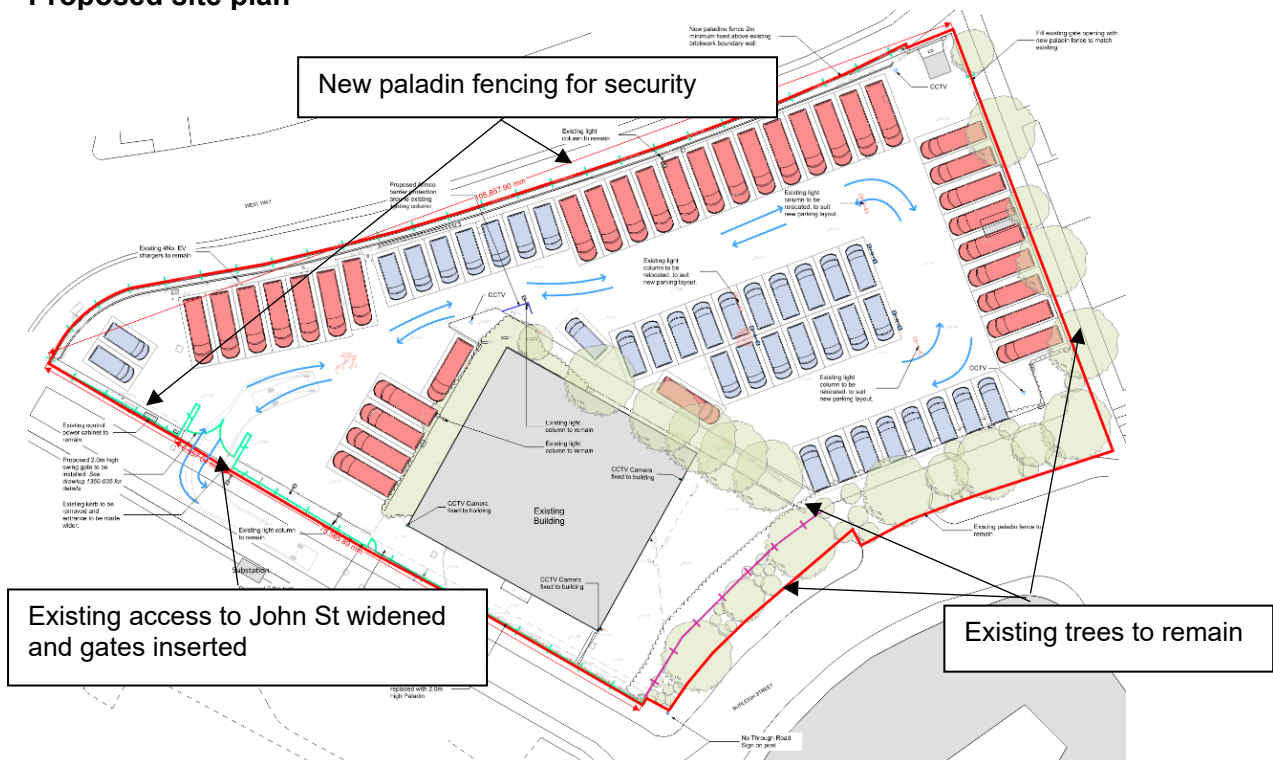
The proposal will have no adverse impact on highway safety, residential or visual amenity and is considered to be acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

Recommendation: GRANT Planning Permission subject to conditions

Location Plan



Proposed site plan



Introduction

The site is located within the boundary, but on the periphery of the town centre and is allocated with the adopted Barnsley Local Plan (2019) as a Town Centre Development Site,

within the Southern Fringe Town Centre District, and as a Strategic Opportunity for Tall Buildings.

Permission is being sought to change the use of the existing building to office space, the installation of a new glazed door and screen to the front southern elevation of the building, the erection of boundary fencing and gates, the erection of CCTV columns, the re-location of lighting columns and the re-configuration of the existing parking spaces to accommodate 35 spaces for 5m long mini-buses and 35 spaces for 7.4m long mini-buses mini buses.

This application is being presented to Committee Members as the Council is the applicant, seeking permission to use the existing John Street Car Park as an operational base for the Home to School service due to capacity and health and safety issues at Smithies Depot, whilst a new, permanent site is sourced.

Site Description

The site is located on the periphery of the Town Centre, adjacent to the junction of West Way with Upper New Street, a location with excellent links to the surrounding towns and villages of the borough.

The site is occupied by a surface level, pay and display car park operated by the Council and a brick built, single storey flat roof structure which has been previously used as a drink and drug rehabilitation drop-in centre and a hair and beauty training centre; the building is currently vacant.

The site is bounded by West Way to the north, Upper New street to the west, John Street to the south and Burleigh Street to the east, with access only available from John Street which is a no through road. The site is enclosed by various boundary treatments, consisting of a boundary wall to the north-west, a part open frontage, and metal and paladin fencing to the south-west and paladin fencing to the north-east and south-east boundaries, with a small section of chain link fencing enclosing the south-eastern corner of the site at the junction of John Street and Burleigh Street. Trees are located along the north-eastern boundary, the south-eastern boundary and along the rear, north-eastern elevation of the building.

Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2012/0196	Erection of new superstore with associated petrol filling station, car parking, access, servicing and landscaping	Approved with Conditions September 2012

Proposal

The applicant seeks permission to change the use of the existing buildings to office space, the installation of a new glazed door and screen to the front southern elevation of the building, the erection of boundary fencing and gates, the erection of CCTV columns, the re-location of lighting columns and the re-configuration of the existing parking spaces to accommodate 35 spaces for 5m long mini-buses and 35 spaces for 7.4m long mini-buses.

It is proposed to install green coloured paladin fencing to the south-western and north-western boundaries and is to be erected to a height of 2m. The fencing along the north-western boundary to be installed above the existing boundary wall at varying heights, to an overall maximum height of 2m. the fencing along the south-western boundary is to be

installed from ground level to a height of 2m and is to include an approximately 7.5m wide vehicular gate, with a separate pedestrian gate.

3no CCTV columns are to be installed within the site, at the north-eastern and south-eastern corners, and centrally within the site. They are to be of a standard design approximately 4m in height. 3no existing lighting columns are to be re-located within the site to facilitate the re-lining of the parking spaces.

Policy Context

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

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

Local Plan

The site is identified as Southern Fringe District within the Local Plan and as such the following policies are considered to be relevant to this application:

Local Plan Policy GD1 General Development

Local Plan Policy BTC11 Car Parks

Local Plan Policy BTC15 Southern Fringe

Local Plan Policy BTC16 Development Site 2 - Heelis Street / New Street / Gala Bingo / Burleigh Court Site

Local Plan Policy T4: New Development and Transport Safety Policy D1 High Quality Design and Place Making

Local Plan Policy SD1 Sustainable Development

Adopted Supplementary Planning Documents

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case is:

Parking

National Planning Policy Framework (NPPF) (2024)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour

of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policy of relevance to this application includes:

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

Relevant Consultations:

Forestry Officer – No objections; the fencing located adjacent to the trees is to be retained as existing, therefore there would be limited impact on the trees.

Highways DC – No objections subject to conditions.

Town Centre Car Parks – No objections; there is sufficient capacity within the town centre to absorb the displacement of users of the John Street car park.

Ward Councillors – No objections received

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

The application was advertised on the Council website and 2no site notices posted adjacent to the site; no representations have been received at the time of writing this report, however, the site notice does not expire until 1st April 2025. Any objections received will be reported verbally.

Assessment

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The NPPF (December 2024) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The main issues for consideration are as follows:

- The principle of the development
- The impact on the character of the area
- The impact on the highway network and highways standards
- The impact on the existing trees
- The impact on neighbouring residential properties

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

- Substantial
- Considerable
- Significant
- Moderate

- Modest
- Limited
- Little or no

Principle of development

The site is located within the Town Centre and within the Southern Fringe District; Local Plan Policy BTC15 states that certain types of development will be acceptable in this area which includes housing, offices, employment and commercial uses. Local Plan Policy BTC16 Development Site 2 – Heelis Street/New Street/Gala Bingo/Burleigh Court Site states that the authority will allow mixed used development which would include retail, residential, offices, and food and drink.

The site is occupied by an existing chargeable car park available to the public and single storey building. Permission is sought to erect boundary fencing, change the use of the building to office space, the erection of CCTV columns, the re-location of lighting columns and the re-configuration of the existing parking spaces for use by the Council.

As a home to school depot, solely for Council use, the development does not wholly meet the criteria of BTC15 or BTC16; however, it does not seek to change the overall use of the site for parking, or to construct new development, and the long term objective for the Council is to seek a long term solution for the parking of Home to School vehicles. As such the principle of development is considered acceptable subject to the assessment against other relevant policies below.

Impact upon Character and Appearance of Surrounding Area

The proposed paladin fencing is to be located along the West Way and John Street boundaries and whilst located in a prominent position it is to provide security by means of enclosure for the Home to School minibus depot.

Paladin fencing features a unique fine mesh pattern with horizontal and vertical wires, grouped tightly, creating a striped effect that can diminish overall visibility while maintaining a strong, rigid structure to provide security to the site, preferable over the more dominant palisade fencing. Whilst the fencing is comprised of two lengthy (75m +) sections it has been designed to limit the impact on the surrounding areas in that the fencing is to be coloured green.

It is also proposed to install a new glazed door and screen to the to the front, southern elevation of the building. The style is considered to relate well to the rest of the building and would not detract from the character of it, or the surrounding area. The re-use of the building is welcomed, will help deter antisocial behaviour and will improve the overall visual amenity of John Street.

Overall, it is considered that the proposed alterations would have a positive impact on the character of the area and as such is in compliance with Local Plan Policy D1; this carries significant weight in favour of the application.

Highway Safety

The application seeks approval for the re-purposing of the existing John Street Car Park to a Home to School minibus depot. The applicant advises within the Planning Statement that it is necessary due to lack of capacity and Health and Safety issues at the current depot located at Smithies. According to the statement, the present arrangement at Smithies Depot

poses a risk to safe vehicle storage and movement, together with concerns over the health and safety of staff who are working in increasingly confined spaces.

The John Street Car Park currently has a total capacity of 113 spaces including 8 electric vehicle charging points and the re-purposing seeks approval for 70 spaces to serve minibuses 7.4m long and 5m long, retaining the existing EV charging units for use by any electric vehicles within the fleet. The existing building within the site will provide an operation managers office, welfare facilities and storage.

The site will be served by the existing car park entrance with minor modifications to widen the access, in order to accommodate the new 7.5m wide, two leaf Paladin gate. It is intended that any staff cars will park in the bays as minibuses vacate the site. This will be managed internally within the site to avoid any impact on the adjacent highway network. As such, there are no objections to the proposal from a Highways Development Control perspective, subject to the inclusion of conditions.

In response to the application, the Councils Parking Services team have confirmed the carpark is only moderately used and have advised they are satisfied that there is sufficient capacity within the town centre parking provision to accommodate displacement of users of the car park. To further support the displacement the BMBC communications team are working on a series of educational resources to aid knowledge growth of the alternative spaces in the town centre.

Based on the above assessment it is considered that the proposed development would not have a detrimental impact on the highway network, the safe and free flow of traffic or upon town centre parking provision and as such is in compliance with Local Plan Policies BTC11 and T4; this carries significant weight in favour of the application.

Impact on Trees

The site is bounded by trees to the north-east, south-east and beyond the rear north-eastern elevation of the existing building which are to be retained. The forestry officer has been consulted on the application and raises no objection to the development. The erection of the new fencing is to be located on the boundaries where no trees are present, and where trees are present, it is not proposed to replace or alter the existing boundary treatment. It is therefore considered that the proposed development would not have a detrimental impact on the wellbeing of the trees and as such is acceptable; this carries significant weight in favour of the application.

Residential Amenity

As mentioned previously that site is located within the town centre and within an area which is predominantly commercial in nature. Whilst a residential multi-storey apartment block is located to the north-east of the site, it is not considered that the development proposed would significantly impact the amenity of the residents of the apartment block given the existing screening provided by boundary trees and similarity to the existing use of the site and that of neighbouring sites. The erection of the new boundary fencing is to be located along the north-western and south-western boundaries, the furthest from the apartment block.

The CCTV columns and re-located lighting columns have been located within the site to provide the required level of operational coverage, but without resulting in a detrimental impact on the amenity of the surrounding residents. As such the development is considered acceptable and in compliance with Local Plan Policy GD1 and POLL1; this carries significant weight in favour of the application.

Biodiversity

Biodiversity Net Gain (BNG) became mandatory for all applications in April 2024 except where one of the exemptions (as set out in the Planning Practice Guidance) are met. This application is exempt from the requirement to provide BNG as it meets the de minimis exemption where no more than 25 square metres of habitat will be affected.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location and would not impact on the character of the area, highway safety, or upon residential amenity, and this weighs considerably in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal and holistically this weighs moderately in favour of the application.

The proposal is therefore, on balance, recommended for approval.

RECOMMENDATION

MEMBERS RESOLVE TO APPROVE THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:

CONDITIONS/REASONS

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON:
In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
02. The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission:
Location Plan
Site Plan – As proposed 1360-031 Rev D received 25th March 2025
Ground Floor Plan – As proposed 1360-033 Rev A
Boundary Elevation – As existing and Proposed 1360-034 Rev C received 26th March 2025
Sundry Details 1360-035 Rev B
Boundary Fence Plan 1360-036 Rev A
Planning, Design and Access Statement Rev B received 25th March 2025
REASON:
To ensure that the development is carried out in accordance with the application as approved.
03. The parking area shall be laid out and marked strictly in accordance with the approved site layout plan. All markings and any associated signage must, thereafter, be always maintained in a visible and functional condition to ensure continued safety, efficiency and useability of the site.

REASON:

To ensure compliance with the approved plans and that there are adequate parking facilities to serve the development

- 04. The use hereby approved shall not become operational until the vehicle parking area has been completed and thereafter kept free from obstruction and available for parking of vehicles associated with the development.

REASON:

To ensure that there are adequate parking facilities to serve the development

The above consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's right to respect for his private and family life, his home and his correspondence.

Appendix 1 – Site Layout:



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