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

<b>Applicant</b>	Barnsley MBC
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<b>Number of Third Party Reps</b>	3	<b>Parish:</b>	N/A
		<b>Ward:</b>	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.

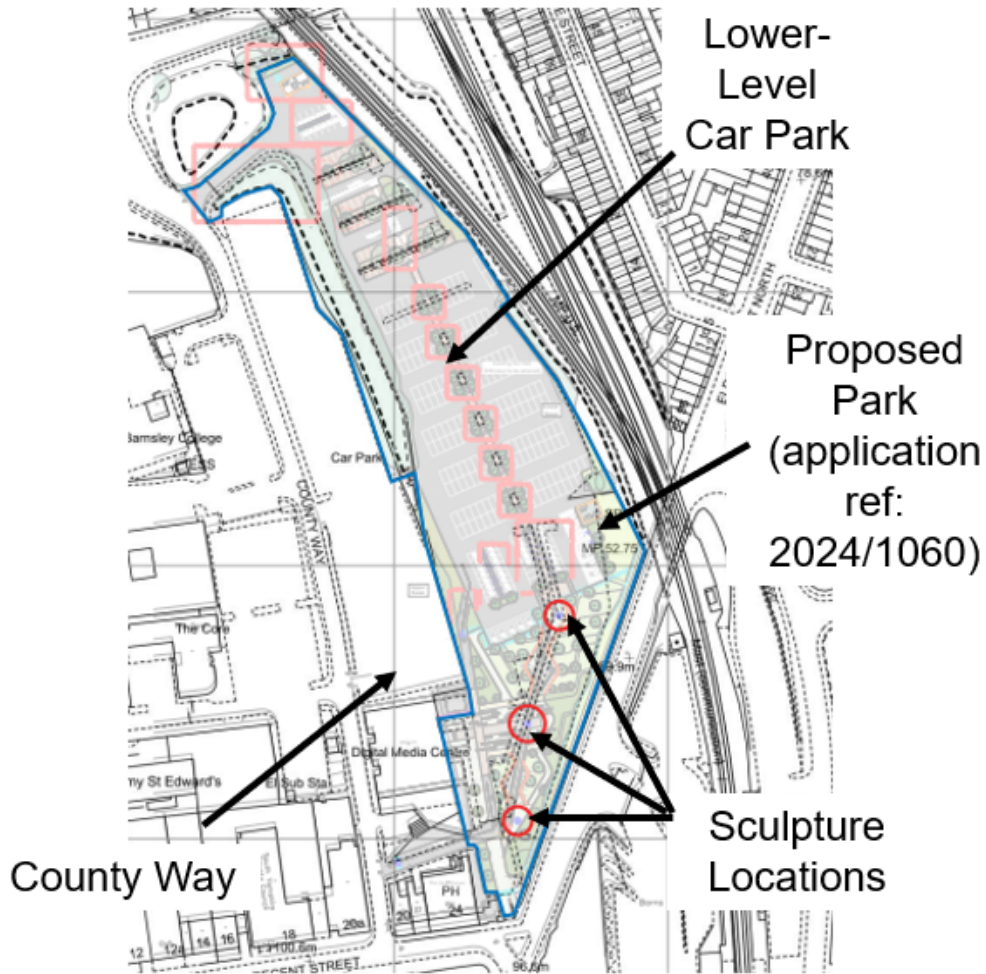
The application has undergone two rounds of publicity following alterations to the development description. Additional information has been provided in relation to lighting and acoustic of the sculptures.

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 built 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 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

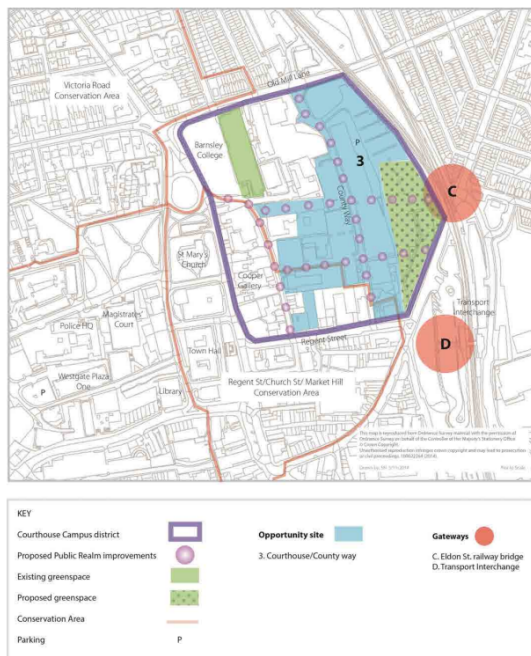
For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- 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](mailto: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

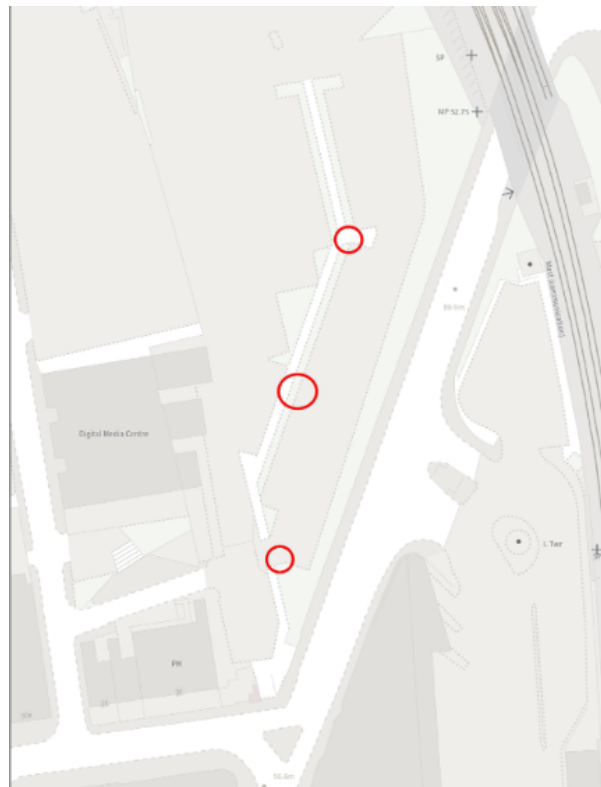
takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://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.

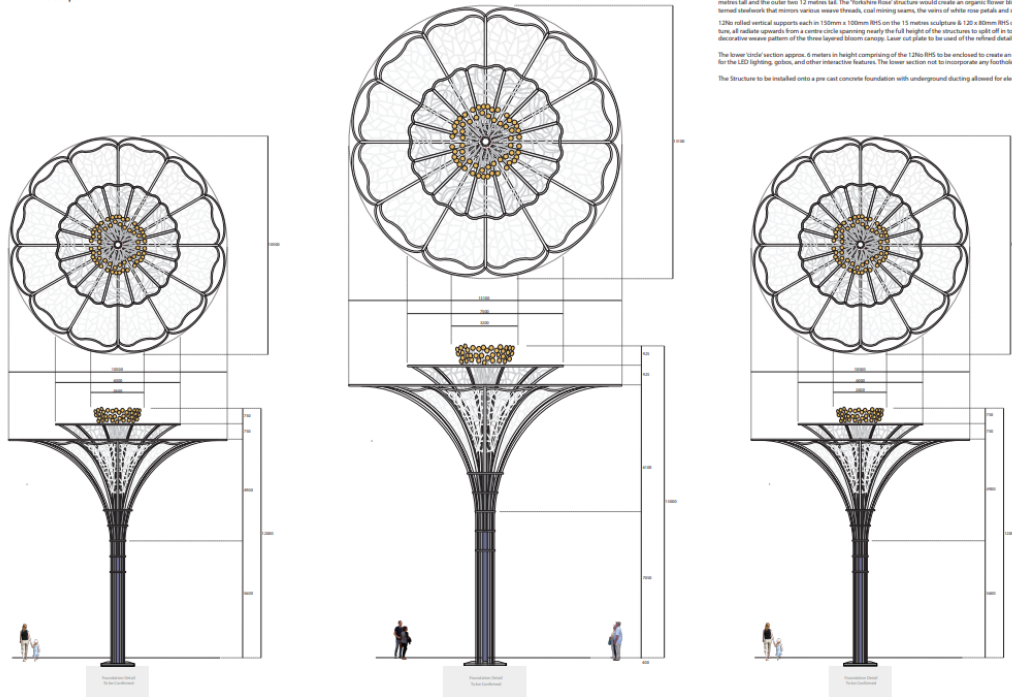
If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**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 other two 12 metres tall. The Yorkshire Rose structure would create an organic flower canopy with perforated steelwork that mirrors various weave threads, coal mining seams, the veins of white rose petals and stems.

1200 radial vertical supports each to 150mm x 100mm RHS on the 15 metres sculpture & 200 x 100mm RHS 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 CHS steels to create the decorative weave pattern of the three layered flower canopy. Lower can plates to be used of the refined detailed areas.

The lower lower section approx. 6 metres in height comprising of the 1200 RHS to be enclosed to create an accessible slender pillar for the LED lighting, gowns, and other interactive features. The lower section not to incorporate any footholes.

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

Red Line Boundary