

<b>Application Reference Number:</b>		2025/0602	
<b>Application Type:</b>		Advertisement Consent.	
<b>Proposal Description:</b>		Display of 1 electronic/digital advertising board on side elevation of building. (Advertisement Consent).	
<b>Location:</b>		1 - 5 Midland Street, Barnsley, S70 1SE	
<b>Applicant:</b>		Alan Robinson	
<b>Third-party representations:</b>	None.	<b>Parish:</b>	
		<b>Ward:</b>	Central.

**Summary:**

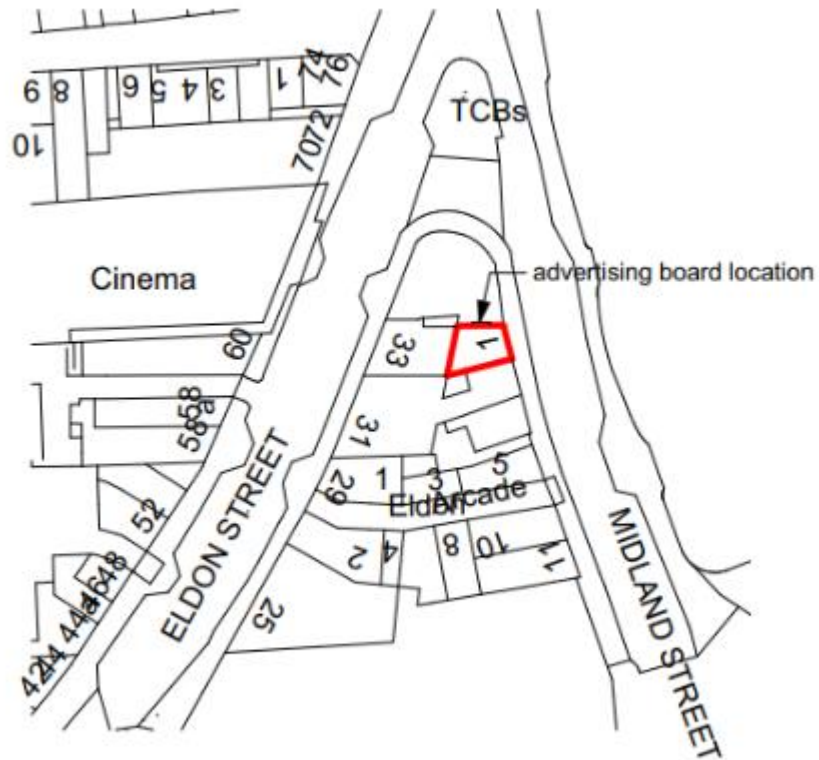
The applicant is seeking advertisement consent to instal a 4.1 metres by 5.6 metres electronic/digital advertising board to the north elevation of 1 - 5 Midland Street.

The proposal does not fully comply with the relevant plan policies and planning permission should not be granted. Under the provisions of the NPPF, the application would not be considered acceptable in terms of the impact on design, heritage and visual amenity and highway safety.

Recommendation: **Refuse.**

**Site Description**

This application relates to commercial building 1 - 5 Midland Street. The elevation to the which the proposed advertisement would be installed is a flat roofed, north facing elevation, constructed from red brickwork. The elevation faces Barnsley Transport Interchange to the north of the site. Various shops are positioned to the northwest of the site including Barnsley Parkway Cinema. Although not within the conservation area, the site is within close enough proximity to impact the Regent Steet/Church Street/Market Hill Conservation area. The Grade II Listed Queens Hotel is located to the northwest of the site. Eldon Street is located to the North and West of the site along with Traffic Signals at the Junction of Regent Street and Eldon Street. The land directly to the north of the site is unused.



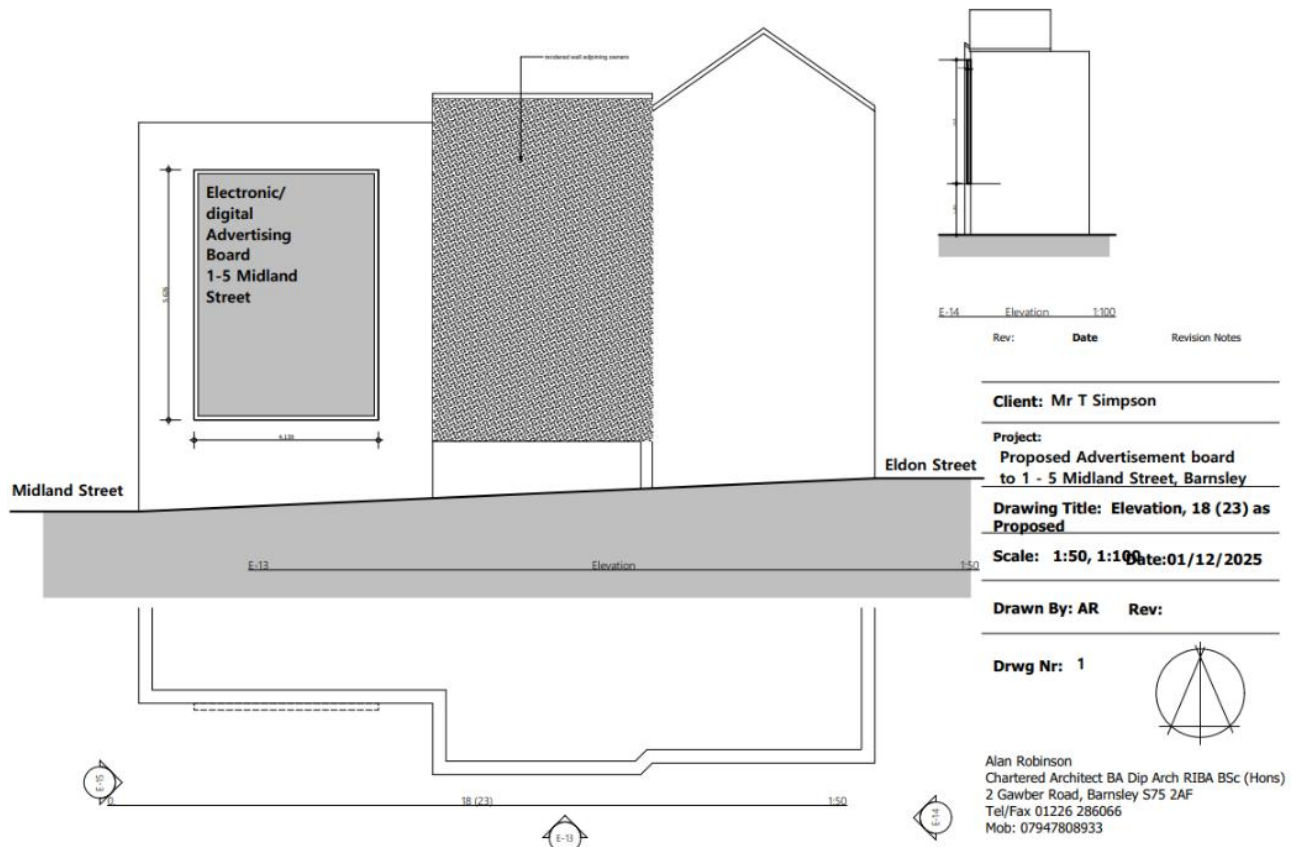
## Planning History

The most recent and relevant applications are:

Application Reference	Description	Decision
B/75/2141/BA	Change of use from retail shop to prize bingo centre	Historic
B/75/3865/BA	Extension to betting office into adjoining shop premises	Historic
B/85/0356/BA	Alterations to shop front	Historic
B/91/1319/BA/AD	Display of illuminated signs	Historic
B/91/1320/BA	Installation of new shop front	Historic
B/98/0625/BA	Installation of new shop front	Historic
B/99/1171/BA	Installation of new shop front	Historic
B/99/1172/BA/AD	Display of illuminated projecting sign	Historic
B/05/0748/BA	Change of use from bookmakers to driver operation offices and alterations to front elevation of premises.	Approve with Conditions

## Proposed Development

The applicant is seeking advertisement consent to instal electronic/digital advertising board to the north elevation of 1 - 5 Midland Street. The advertising board would have an approximate width of 4.1 metres and an approximate height 5.6 metres. The advertising board would be projected approximately 0.15 metres forward of the elevation. The advertisement has been detailed to be internally illuminated reaching intermittent illuminance levels of 800 cd/m2.



## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is located within Barnsley Town Centre. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*

- *Policy TC1: Town Centres.*
- *Policy BTC3: Public Spaces.*
- *Policy HE1: The Historic Environment.*
- *Policy HE3: Developments affecting Historic Buildings.*
- *Policy D1: High quality design and place making.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T4: New Development and Transport Safety.*

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making..*
- *Section 12: Achieving well designed places.*
- *Section 16: Conserving and enhancing the historic environment.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

### Planning (Listed Buildings and Conservation Areas) Act 1990

- *Section 16: Decision on application.*
- *Section 66: General duty as respects listed buildings in exercise of planning functions.*
- *Section 72 (1): Buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing.*

### Supplementary Planning Guidance

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 following SPDs are relevant in this case:

- *Advertisements (Adopted May 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

### Other Material Considerations

- *Barnsley Town Centre Public Spaces Strategy (September 2010).*

## Representations

Whilst there is no statutory requirement for local planning authorities (LPA) to publicise applications for advertisement consent, an LPA should consider whether any application would affect the amenity of neighbours. Where it would affect them, it is good practice for the views of neighbours to be sought before determining an application. Both applications have been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

This application has been advertised on the Council website. A site notice was displayed, expiring 28<sup>th</sup> December 2025.

No representations were received.

## Consultations

Conservation Officer	<i>Objection due to the visual harm caused by the scale and prominence the proposal would introduce to the conservation area. Refusal recommended as the proposal fails to provide clear and convincing justification for its necessity in accordance with NPPF paragraph 213, does not enhance the setting of heritage assets as required by NPPF paragraph 219, does not conserve or enhance the borough's heritage assets under Local Plan Policy HE1, and does not contribute to high-quality design and placemaking within the Town Centre as required by Local Plan Policy D1</i>
Highways Development Control	<i>Objection - It is considered that the proposed digital sign would likely have a detrimental impact on road safety due to the potential distraction and confusion this may cause to drivers. Whilst it is difficult to quantify / assess this level of distraction and confusion, the aim of signs that contain illuminated and intermittent images is to attract the attention of passers-by, which in turn may distract drivers and be detrimental to driving safety. As such, due to the potential for driver distraction and confusion with the light of traffic signals at a very busy point on the highway network, the proposals are considered unacceptable from a highways development control perspective as they are viewed as being prejudicial to highway safety contrary to Local Plan Policy T4 New development and Transport Safety.</i>
Pollution Control	<i>No objection(s).</i>

## Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

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

### Principle of Development

Advertisements are acceptable in principle if proposals would be appropriate in scale and respectful of local character and would demonstrate that it would not be likely to result, directly or indirectly, in an increase in light or other pollution which would otherwise unacceptably affect or cause nuisance to the natural and built environment or to people.

### Impact on Design, Heritage and Visual Amenity

The Advertisements SPD outlines 'advertisements should have regard for the design, scale and proportions of the building or site on which they are displayed. The over provision or poor design of signs can give rise to a cluttered and aggressively commercial appearance which will /can have a damaging impact upon the visual character of an area.

The Council is, therefore, unlikely to grant consent for:

- Advance warning or directional signs.
- Advertising hoardings, including poster panels and banner signs.
- Signs on shops above fascia level.
- Signs on business premises above 1st floor level.
- Signs which appear out of scale or character with the building locality or surrounding signage.

Special consideration should be given to the location and design of signage or advertisements when they affect heritage assets or their setting. These assets include listed or historically important buildings, conservation areas, registered parks and gardens and scheduled ancient monuments. Signage design that is proportionate in size, of a sympathetic design, respectful of architectural detail, and located in a way that respects what is significant about the heritage asset are likely to be approved. Lighting of signage on historic buildings or in historic areas will require particular care and may not always be appropriate.'

The proposed advertisement would provide a substantial alteration to the existing elevation and open space. The size and scale of the advertisement board is substantial enough to be considered an advertising hoarding, which are not permitted. The size and scale of the board would be greater than any other advertising in the street scene and would therefore be considered to significantly alter the character of the building locality, to the street scenes detriment. An illumination level of 800 cd/m<sup>2</sup> is considered in this location not to be appropriate, especially given the scale of the proposed illumination and would detract from the character of the street scene. Although other illuminated advertisements are in place in the street scene, the dominance of an illuminated advertisement board of this scale would be detrimental enough to cause damage to the visual amenity of the street scene.

Given the site is directly adjacent to the Regent Steet/Church Street/Market Hill Conservation area, the digital advertisement board would substantially impact the conservation area and the Queens Hotel, a Grade II Listed Building. Due to the size and scale of the proposal, the advertisement board is not considered to be of a sympathetic design which is respectful of the architectural detail of the conservation area and is not located in a way that respects what is significant about the heritage asset.

This is considered to weigh substantially in opposition of the proposal.

*The proposal is therefore to make a negative contribution to public space and is therefore contrary to Local Plan Policy BTC3: Public Spaces. The proposal would not conserve or enhance the character and appearance of the nearby grade II-listed buildings or the conservation area and is therefore contrary to Local Plan Policy HE1: The Historic Environment and HE3: Developments affecting Historic Buildings.*

#### Impact on Residential Amenity and Pollution Control

The site is not within sightlines of any residential amenity spaces and therefore would not be impactful on residential amenity. No objection has been realised by pollution control. The level of light pollution the proposal would generate cannot therefore be fully assessed however it is acknowledged the potential for pollution is likely to be low given the absence of residential amenity in the area.

This is considered to weigh modestly in favour of the application.

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.*

#### Impact on Highways

Paragraph 116 of the NPPF states development should only be prevented and refused on highways grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios.

Due to the position of the advertisement, when approaching the traffic signals of Regent Street and Eldon Street, the advertisement will allow for significant distraction due to the intermittent illumination and will result in considerable difficulty in differentiating between the light from the traffic signal and the light from the advertisement display.

Although advertisements are intended to attract attention, where these are located at points where drivers need to take more care, the advertisement is likely to have a greater effect on public safety. The proposed location of the digital board would have the potential to be a distraction from the pedestrian crossing traffic lights, which is considered a location where drivers need to take more care. The proposal therefore has the potential to have a detrimental impact on road safety.

Considering the above, this is considered to weigh substantially in opposition of the proposal.

*The proposal is therefore considered to not comply with Local Plan Policy T4: New Development and Transport Safety and is not considered acceptable regarding highway safety.*

#### Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal does not fully comply with the relevant plan policies and planning permission should not be granted. Under the provisions of the NPPF, the application would not be considered acceptable in terms of the impact on design, heritage and visual amenity and highway safety. For the reasons given above, and taking all other matters into consideration, planning permission should be refused.

**RECOMMENDATION: Refuse.**

#### **Justification**

#### **Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.**

Amendments have not been sought from the applicant as there would not be any amendments which would alter the proposal to provide impact levels on design, heritage and visual amenity and highway safety which would be considered acceptable.

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**