

Application Reference Number:		2025/0216	
Application Type:		Full	
Proposal Description:		Installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display	
Location:		Land Outside 49-51 Peel Street, Barnsley, S70 2RE	
Applicant:		Mr Thomas Johnston	
Third-party representations:	None	Parish:	None
		Ward:	Central ward

Summary:

The applicant is seeking planning permission and advertisement consent for the installation of a new communications kiosk with an integrated defibrillator and advertising display.

The proposed kiosk would measure approximately 2.5 metres (H) x 1.1 metres (W) x 0.9 metres (D) and would be constructed of a steel frame with black powder coated steel cladding a steel and safety glass side panel and a LDC digital display panel recessed behind toughened laminated safety glass. The digital display panel would be internally illuminated with a proposed maximum illuminance level of 300cd/m².

The proposed kiosk would comprise an integrated defibrillator, a telephony unit and equipment which would accept card payments with free calls to emergency numbers and designated charities, and a touchscreen unit which would display information, including wayfinding maps with relevant points of interest, emergency numbers and a user's guide for operating the unit.

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. New development must make a positive contribution to public spaces through its design, siting and use of materials.

The proposal would have no adverse impact on residential or visual amenity, highway safety or health and pollution control and is considered acceptable in policy terms. The proposal is therefore, considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

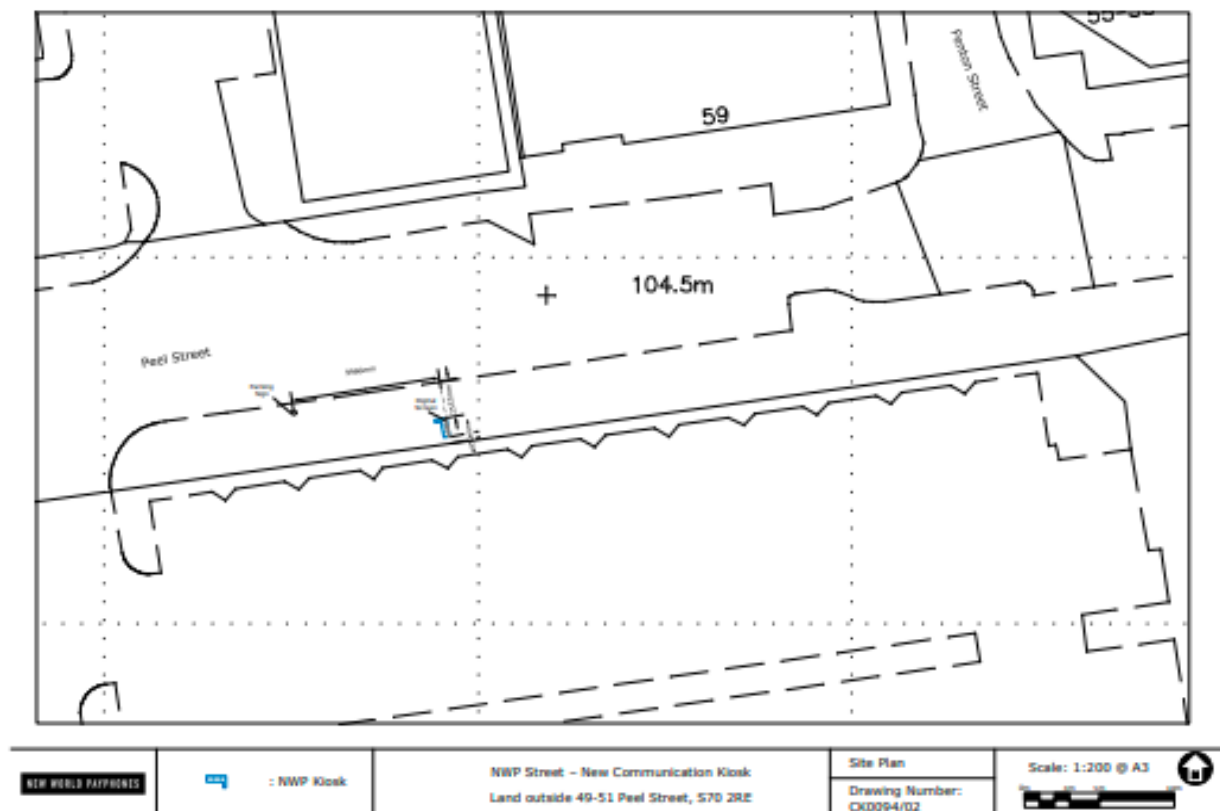
Recommendation:

Approve subject to conditions

Site Description

This application relates to an area of pavement located on the south side of Peel Street adjacent the Lidl store and its large car park. Immediately to the south are parking bays with the highway to the north. To the west is a pedestrianised crossing controlled by traffic lights. The western end of Peel Street is characterised by varying commercial uses with non-illuminated and illuminated signage.

To the northwest is KFC and to north is Taco Bell and Barnsley Job Centre. Existing street furniture within the immediate locality comprises street lighting, signage posts, bollards and an existing payphone.



Planning History

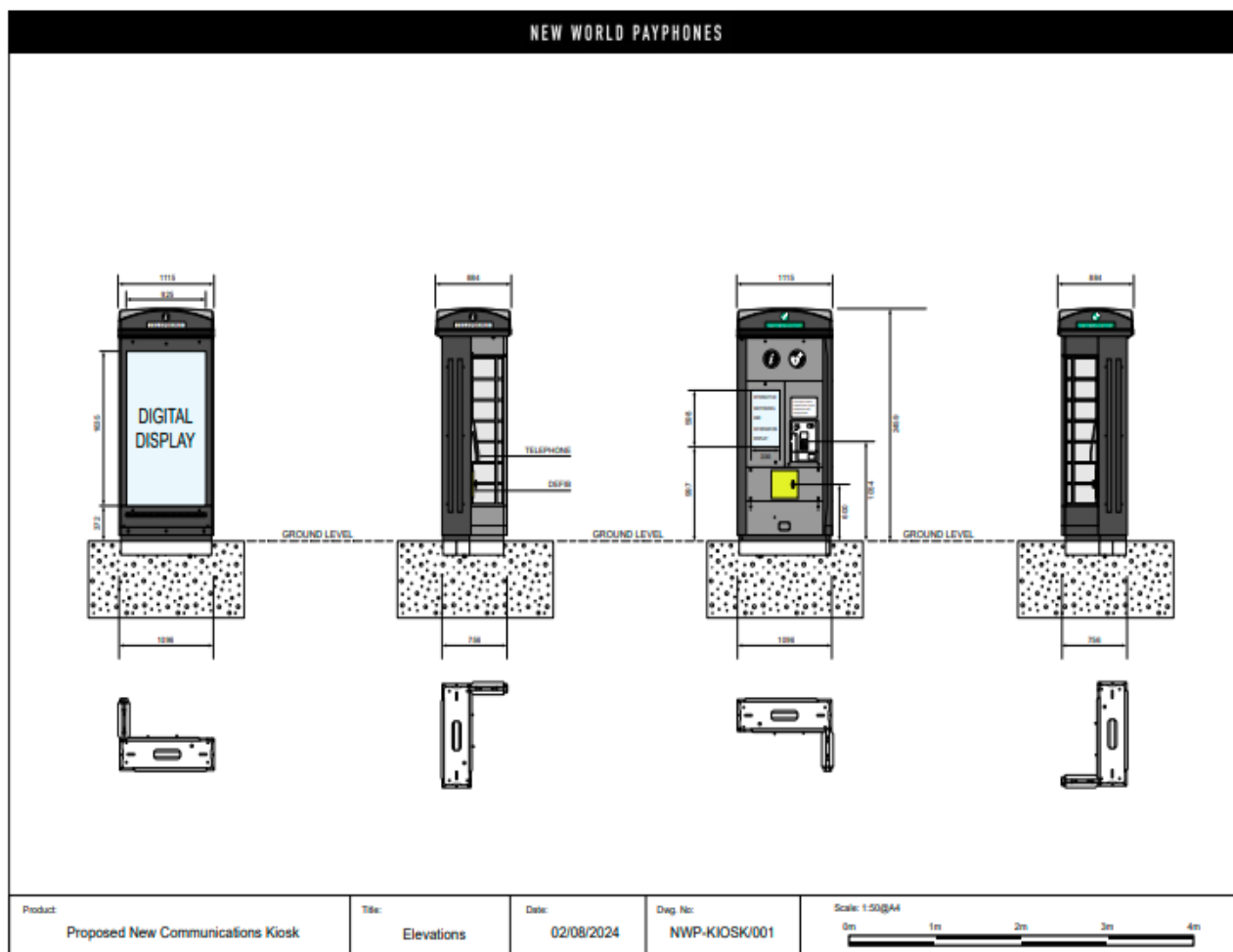
There is no relevant planning history associated with the development site.

Proposed Development

The applicant is seeking planning permission and advertisement consent for the installation of a new communications kiosk with an integrated defibrillator and advertising display. The proposed kiosk would measure approximately 2.5 metres (H) x 1.1 metres (W) x 0.9 metres (D) and would be constructed of a steel frame with black powder coated steel cladding a steel and safety glass side panel and a LDC digital display panel recessed behind toughened laminated safety glass.

The digital display panel would be internally illuminated with a proposed maximum illuminance level of 300cd/m². The proposed kiosk would comprise an integrated defibrillator, a telephony unit and equipment which would accept card payments with free calls to emergency numbers and designated charities, and a touchscreen unit which would display information, including wayfinding maps with relevant points of interest, emergency numbers and a user's guide for operating the unit.

This application should be read in conjunction with application 2025/0291 for advertisement consent.



Relevant Policies

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 review was approved at the full Council meeting on 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.

Local Plan Allocation – Town Centre District 6 Southgate

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy TC1: Town Centres – Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Town: Barnsley Town Centre

District: Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local: Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

Policy BTC3: Public Spaces – New development must make a positive contribution to public spaces through its design, siting and use of materials. The creation of new public spaces and improvements to existing public spaces must be made in accordance with the Barnsley Town Centre Public Spaces Strategy.

Policy BTC17: Southgate – We will allow offices, residential development, assembly and leisure uses, hotel, food and drink uses and car parking within the Southgate District. Retail development will be allowed on Market Street, Pitt Street and as part of a mixed use development at the former Co-op Pioneer site on Peel Street.

Policy Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy T4: New Development and Transport Safety – 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.

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

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It 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.

This 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 which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent.

The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 8 - Promoting healthy and safe communities
- Section 10 - Supporting high quality communications
- Section 12 - Achieving well-designed places

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 it into account when taking decisions.

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 are:

- Advertisements

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)

Consultations

Central Ward Councillors were consulted and raised no objections.

The LPA's Conservation Officer was consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Pollution Control were consulted and raised no objections subject to conditions.

Safer Communities were consulted and objected to the application.

The LPA's Urban Design Officer was consulted and objected to the application.

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.

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended). Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. A site notice was placed nearby. No comments were received.

Assessment

The main issues for consideration are as follows:

- The acceptability of the kiosk and advertisements
- The impact on the character of the area
- The impact on residential amenity
- The impact on highway safety

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

Paragraph 141 of the National Planning Policy Framework (NPPF) establishes that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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

Design, Heritage and Visual Amenity

During the application process, the LPA's Urban Design Officer objected to the proposal because of the impact on the street scene and street clutter and a nearby defibrillator. The LPA's Conservation Officer did not object as the kiosk is located a sufficient distance away from the Regent Street/Church Street/Market Hill Conservation Area. During the application process, the proposed kiosk was re-orientated away from the highway and to be less invasive within the footpath.

The Town Centre Public Spaces Strategy includes a section dedicated to street furniture that states that street furniture will be a key feature in Barnsley and will have a functional role and help to create a distinctive sense of place. A single style of furniture will unite the inner core and outer core areas creating a cohesive Town Centre.

Within this style it may be appropriate to vary the quality of finish depending on location (i.e. stainless steel vs. powder coated). Policy BTC3: Public Spaces, establishes that new development must make a positive contribution to public spaces through its design, siting and use of materials.

This application relates to an area of pavement located on the south side of Peel Street adjacent the Lidl store and its large car park. Immediately to the south are parking bays with the highway to the north. To the west is a pedestrianised crossing controlled by traffic lights. The western end of Peel Street is characterised by varying commercial uses with non-illuminated and illuminated signage.

To the northwest is KFC and to north is Taco Bell and Barnsley Job Centre. Existing street furniture within the immediate locality comprises street lighting, signage posts, bollards and an existing payphone.

The proposed communications kiosk would be constructed of a steel frame with black powder coated steel cladding, a steel and safety glass side panel and a LDC digital display panel recessed behind toughened laminated safety glass. The proposed communications kiosk would also feature a curved canopy, which together with the glazed side panel, is stated as being designed with the intention to provide a degree of weather protection and shielding from traffic for people using the kiosk.

Whilst existing street furniture is relatively slim profile and appears to have been kept to a minimum, the proposed communications kiosk would not appear out of character and would not contribute to an overly cluttered environment. Existing street furniture in the immediate locality is black and there is an existing phone box approximately 100 metres to the east. This separation distance is considered sufficient to avoid any potential cumulative harm arising from phone boxes. There are no digital display panels in the vicinity.

Within the context of the street scene, it is not considered that the proposed communications kiosk would appear misplaced or inappropriate for its setting. The kiosk would adopt a modest scale and design elements akin to a red telephone box and other similar kiosks but through a modernised sympathetic design and appearance that would not adversely affect the character of the surrounding area, street scene or an otherwise open area of high-quality public realm. The positioning of the proposed kiosk to the back edge of the footpath and would not disturb the amenities to the south which is the aforementioned car park which is not visually attractive.

A submitted Management Plan establishes that the proposed communications kiosk would receive bi-weekly inspections, cleaning and maintenance to ensure the kiosk remains in good working order, as a minimum. This could be conditioned should the application be approved.

Considering the above, this is considered to weigh significantly in favour of the proposal. The proposal is therefore considered to comply with Local Plan Policies BTC3: Public Spaces, D1: High Quality Design and Placemaking and the principles of the Barnsley Town Centre Public Spaces Strategy and is considered acceptable regarding visual amenity.

Impact on Residential Amenity, Health, Safety and Pollution Control

During the application process, Safer Communities objected to the proposal because of the potential for the proposed kiosk to become an attractive place for people to hide from view of town centre cctv cameras or out of public view when carrying out potentially criminal or anti-social activities. There is a concern that the kiosk could obstruct the view of and create blind spots in the cctv coverage and could hinder the producing of viable cctv images in the event of crime or disorder occurring. It was also raised that additional defibrillators are not needed within the town centre and there are concerns about the ongoing maintenance where they may not be maintained to the same standards as existing defibrillators.

Whilst these concerns are acknowledged, potential anti-social or criminal behaviour is not a material planning consideration. It is also noted that for this particular kiosk it is set within an open area with the highway and the car park adjacent. The level of cover from a cctv camera in this instance would be minimal due to the openness.

Notwithstanding this, the communication kiosk is open on three of its sides with one glazed side panel and an overhead light incorporated into the canopy. As such, it is considered that the design of the proposed kiosk has appropriately considered the potential of anti-social behaviour and would unlikely encourage, attract or create an environment for such behaviour.

The proposed communications equipment is intended to be vandal resistant to ensure the unit can last the excesses of the urban environment, including an armoured cord handset with internal steel lanyard and inductive coupling for users wearing hearing aids, and the telephone controls would be located at an accessible height for disabled users. The design of the kiosk is also intended to deter loitering and minimise anti-social behaviour.

The proposed communications kiosk would include an integrated defibrillator, which once installed, would be registered on the national defibrillator network, known as The Circuit, thereby ensuring its precise location is known to the ambulance services. As Barnsley Town Centre is serviced by several existing defibrillators, the proposal would provide a limited public benefit. However, the applicant has worked collaboratively with the LPA and agreed to provide adequate amendments.

Moreover, the applicant has stated that the safety and operational uptime of the defibrillator is of upmost priority, and they will work with partners to ensure that operational best practice is followed as part of the deployment. The defibrillator would be registered with the local NHS service via The Circuit. The defibrillator would be inspected bi-weekly and the units self-test and diagnose faults for operatives to resolve. Checks will also be undertaken to ensure that the equipment is in situ, working and all pads/batteries etc are in good functional order/in date. Where it is required, consumables or the defibrillator itself will be replaced. Regular checks and maintenance of the defibrillator could be conditioned should the application be approved.

A submitted management plan states that the communications kiosk would not incorporate external speakers, and the handset would be the only means to communicate when making calls. A submitted planning statement establishes that Radiofrequency electromagnetic fields (EMFs) are used to enable a number of modern devices, including mobile telecommunications infrastructure and phones, Wi-Fi, and Bluetooth. The requirements for the radio frequency public exposure guidelines are set out in the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and the EU Council recommendation of 12 July 1999 (Ref: 1999/519/EC). The proposed communications kiosk equipment and installation is designed to be in full compliance with the requirements on the limitation of exposure of the public to electromagnetic fields (0 Hz to 300 GHz) in all areas legitimately accessible to the public. The application is supported by a declaration of conformity.

The proposed communications kiosk would include an integrated LCD digital display panel, which would be internally illuminated with changeable static images and would adopt a relatively restrained maximum illuminance level. The maximum illuminance level could be conditioned. There could be some potential disturbance and disruption because of construction works, and whilst any potential impact is anticipated to be temporary, should the application be approved, a condition could be used to control construction hours.

There are limited residential uses in the locality and therefore, it is considered that the proposal would unlikely significantly detrimentally impact on residential amenity. Pollution Control were consulted, and no objections were received.

Considering the above, this is considered to weigh moderately in favour of the proposal. 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.

Highways Safety

There will be no impact upon highway safety. No objections were raised to the application from a highways point of view. The proposal would see the installation of a communications kiosk in the recognised town centre of Barnsley. The kiosk has been set to the back of the footway whilst maintaining the preferred minimum unobstructed width of the footway cited in point 60 of the submitted Planning Statement. This is to ensure that good intervisibility is maintained between drivers and pedestrians in this busy town centre location.

The proposals are acceptable so long as the appropriate street licences are procured by the applicant should planning permission be granted. It is therefore considered that the proposals won't adversely impact upon the highway and are acceptable from a highway's perspective. This weighs significantly in favour of the proposal.

Other Matters

A submitted overview and specification establishes that as part of its environmental commitments, the Applicant is partnered with 'Trees for Cities', the Lambeth-based charitable organisation working to create greener cities nationally and internationally. As such, the proposal includes the planting of street trees in locations to be agreed with the Authority for each consented communications kiosk, to be delivered by condition or agreement under Section 278 of the Highways Act 1980. This could provide modest additional public benefit in addition to those anticipated from the installation of a new defibrillator. This weighs moderately in favour of the proposal.

Planning Balance and Conclusion

In accordance with the provisions of paragraph 11 of the NPPF(2024), the proposal is considered in the context of the presumption in favour of sustainable development and therefore, for the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. As such, planning permission and advertisement consent should be granted subject to necessary conditions.

Recommendation

Approve subject to conditions

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- The re-location of the proposed communications kiosk to the back edge of the footpath

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 objections, 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.