

Application Reference Number:		2025/0294	
Application Type:		Advertisement	
Proposal Description:		Installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display (Advertisement Consent)	
Location:		Land outside Exchange Station, Midland Street, Barnsley, S70 1SE	
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.

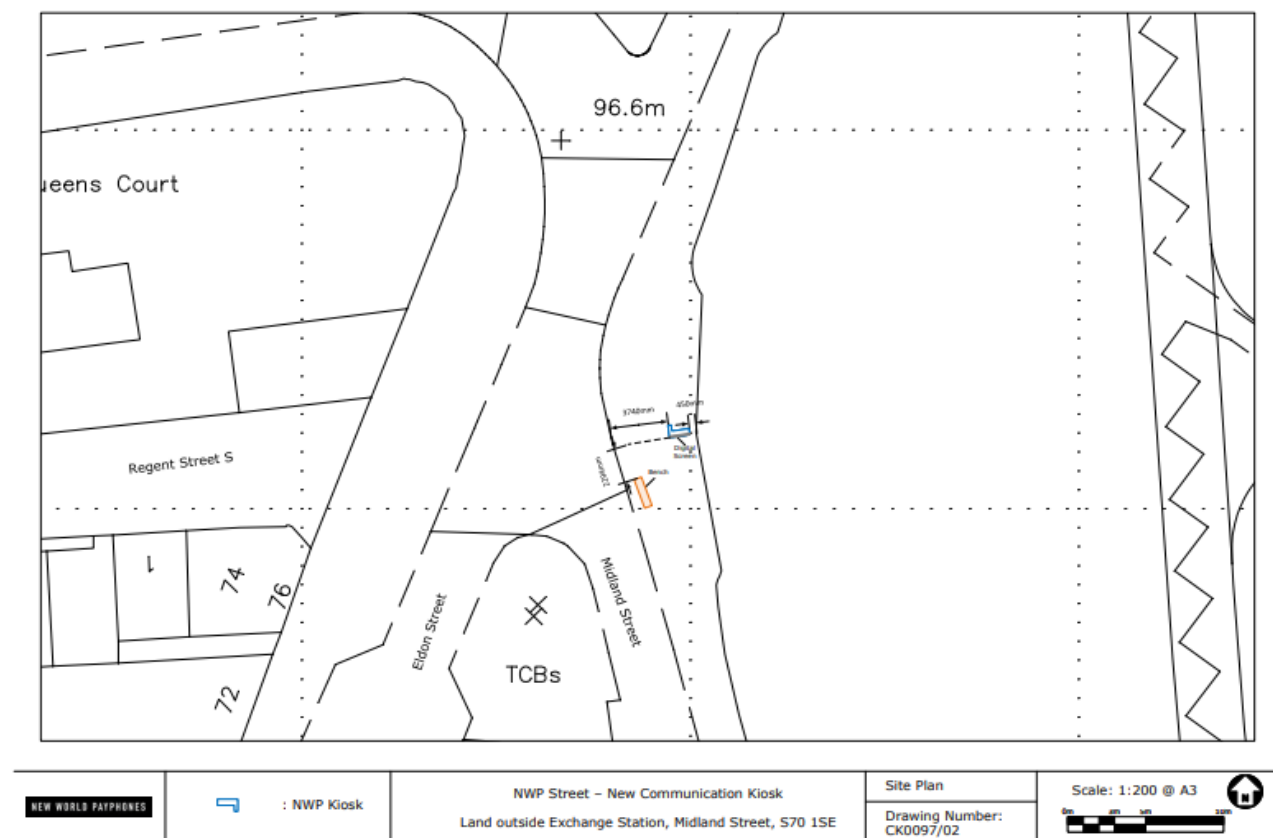
The proposal is considered acceptable regarding residential amenity and highway safety, but within the context of the character of the street scene and nearby street furniture, the proposed kiosk would introduce additional unnecessary clutter within an otherwise open area of high-quality public realm and could contribute to harmful cumulative impacts and an over-proliferation of similar development within Barnsley Town Centre that could give rise to an increasingly aggressive commercial character to the detriment of visual amenity contrary with the principles of the Public Spaces Strategy, Local Plan Policy BTC3, Local Plan Policy D1, the Advertisements SPD, and paragraph 141 of the NPPF.

Recommendation:

Refuse

Site Description

This application relates to an area of pavement located on the east side of Midland Street adjacent Barnsley Transport Interchange which is also east. Eldon Street and Midland Street to the south lead to Glass Works Square. To the west is Regent Street and Regent Street South which is occupied by the Regent Street/Church Street/Market Hill Conservation Area. The area is dominated by the interchange with varying commercial uses opposite. Existing street furniture within the immediate locality comprises street lighting, signage posts, bollards and an existing payphone.



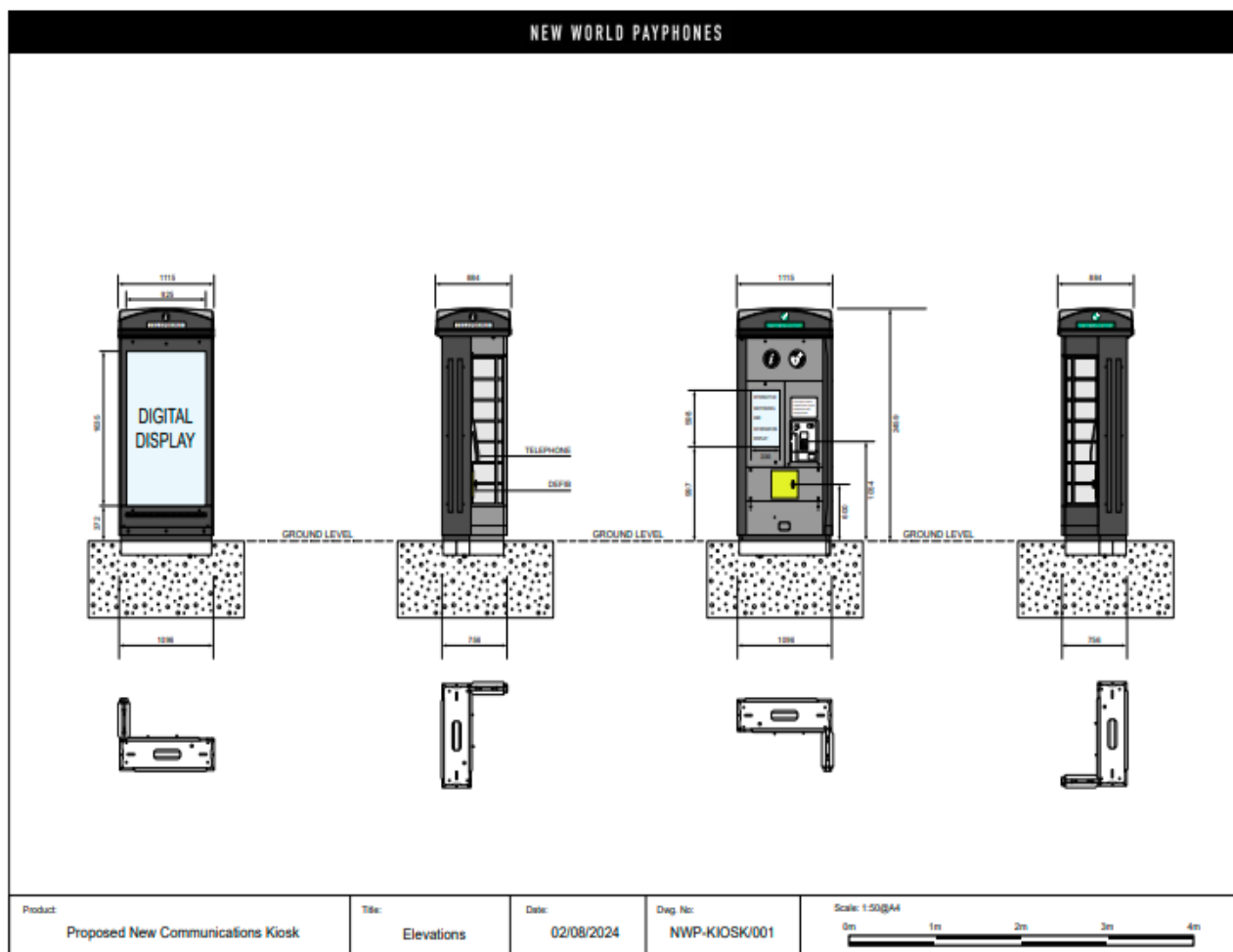
Planning History

There is no relevant planning history associated with the development site. The planning history is related to the adjacent transport interchange. It is noted that throughout 2025 other similar planning applications have been received associated with the broader locality (Town Centre).

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 2025/0294 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 4 Eastern Gateway

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 BTC23: Eastern Gateway – We will allow transport related development, office, education, community and youth facilities and public spaces within the Eastern Gateway District. Development within the District must make provision for the Green Sprint and make a positive contribution to the character and appearance of the gateways. Other uses will only be supported where they contribute to the vitality and viability of the town centre.

Policy HE1: The Historic Environment – Positively encourage developments that help in the management, conservation and understanding of the historic environment.

Policy HE3: Developments affecting Historic Buildings – Proposals involving historic buildings should conserve and where appropriate enhance, respect historic precedents, and capitalize on opportunities to reveal significance.

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
- 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 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 - No objections

Conservation - No objections

Highways Development Control - No objections subject to informative

Pollution Control - No objections

Safer Communities - Objected

Urban Design - Objected

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 principle of development of the kiosk and advertisements
- The impact on design, heritage and visual amenity
- 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 only located adjacent the 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 east side of Midland Street adjacent Barnsley Transport Interchange which is also east. Eldon Street and Midland Street to the south lead to Glass Works Square. To the west is Regent Street and Regent Street South which is occupied by the Regent Street/Church Street/Market Hill Conservation Area. The area is dominated by the interchange with varying commercial uses opposite. 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. 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.

The proposed communications kiosk would appear out of character and would contribute to an overly cluttered environment in the locality which serves as a busy footfall route out of Barnsley Transport Interchange. Existing street furniture in present in the immediate locality as there is an existing phone box approximately 15 metres to the southwest which also serves the interchange frontage. This separation distance is not considered sufficient and therefore there is potential cumulative harm arising from phone boxes. This weighs significantly against the proposal.

The proposed kiosk would adopt a scale and appearance similar to other existing kiosks within Barnsley Town Centre. As such, the design of the proposed hub could be viewed favourably. However, the LPA has experienced an influx of applications for similar development and while it is acknowledged that some have resulted in grants of planning permission, approvals have generally been for replacement hubs or a limited number of new hubs in more strategic locations located away from the main core of the town centre such as to serve the newly-constructed Base71 Youth Zone and activity park on Schwabisch Gmund Way.

This proposal for a new kiosk would introduce additional unnecessary clutter within an otherwise open area of high-quality public realm, and given that several approved schemes within the locality for similar development remain capable of being implemented, it is felt the proposal could contribute to harmful cumulative impacts and an over proliferation of such development within Barnsley Town Centre that could give rise to an aggressively commercial character to the detriment of visual amenity. This weighs significantly against the proposal.

Furthermore, it is acknowledged that appeals were recently allowed (APP/R4408/W/25/3371275 and APP/R4408/Z/25/3371277) for similar development located within Barnsley Town Centre. However, applications must be considered on their own merits, and these appeal outcomes do not set a precedent for other similar schemes to be allowed.

Consequently, it is considered the proposal would introduce additional unnecessary clutter within an otherwise open area of high-quality public realm and could contribute to harmful cumulative impacts and an over proliferation of similar development within Barnsley Town Centre that could give rise to an aggressively commercial character to the detriment of visual amenity contrary with the principles of the Public Spaces Strategy, Local Plan Policy BTC3, Local Plan Policy D1, and paragraph 141 of the NPPF.

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.

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 utmost 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 significant impact upon highway safety. No objections were raised to the application from a highways point of view. The kiosk is proposed to be set to the back of the footway of the Midland Street carriageway. This maintains the preferred minimum unobstructed width of the footway cited in point 60 of the submitted Planning Statement and ensures that good intervisibility is maintained between drivers and pedestrians in this busy town centre location. Input should also be sought from local sight loss organizations to ensure the kiosk meets their specific needs.

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 moderately 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 proposed development is considered in the context of the presumption in favour of sustainable development. The proposal is considered acceptable regarding residential amenity and highway safety, but within the context of the character of the street scene and nearby street furniture, the proposed hub would introduce additional unnecessary clutter within an otherwise open area of high-quality public realm and could contribute to harmful cumulative impacts and an over-proliferation of similar development within Barnsley Town Centre.

This could give rise to an increasingly aggressive commercial character to the detriment of visual amenity contrary with the principles of the Public Spaces Strategy, Local Plan Policy BTC3, Local Plan Policy D1, the Advertisements SPD, and paragraph 141 of the NPPF. Consequently, for the reasons given above, and taking all other matters into consideration, planning permission and advertisement consent should be refused.

Recommendation

Refuse

Justification

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

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems

arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.

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.

Reason for refusal

In the opinion of the local planning authority, it is considered that within the context of the character of the street scene and nearby street furniture, the proposed kiosk would introduce additional unnecessary clutter within an otherwise open area of high-quality public realm and could contribute to harmful cumulative impacts and an over-proliferation of similar development within Barnsley Town Centre that could give rise to an increasingly aggressive commercial character to the detriment of visual amenity contrary with the principles of the Public Spaces Strategy (2010), Local Plan Policy BTC3: Public Spaces, Local Plan Policy D1: High Quality Design and Placemaking, the Advertisements SPD, and paragraph 141 of the NPPF.