



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2024/1062

To nineteen47
6 Pat Midgley Lane
Park Hill
Sheffield
S2 5PN

DESCRIPTION Installation of three sculptures with lighting and acoustic features within proposed public open space.
LOCATION Lower Car Park, The Seam, County Way, Barnsley

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 16/01/2025 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans:
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
and specifications as approved unless required by any other conditions in this permission.
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, n 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 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 prevent 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.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 If any unrecorded routes have been used unchallenged by the public for 20+ years, or for a lesser period under common law, those routes may have acquired public access rights. Members of the public may apply to have such rights formally recorded and if an application is made, the Council has a legal duty to research the claimed rights and reach a decision based exclusively on the available evidence about the status of the claimed routes. If such an application is made and accepted, the route would have to be accommodated within any development proposals. If the applicant has questions about any unrecorded routes, they should contact publicrightsofway@barnsley.gov.uk to discuss.
- 2 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.
- 3 Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries
- 4 Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 8 April 2025

A handwritten signature in black ink, consisting of a stylized 'G' and 'H' followed by a horizontal line.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

STATUTORY BIODIVERSITY NET GAIN CONDITION

DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021)

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
 - i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value.

INFORMATIVE 1

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3

A Biodiversity Net Gain Template can be found here:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

INFORMATIVE 4

The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt. The onus is on the applicant/agent to notify the Local Planning Authority at developmentmanagement@barnsley.gov.uk if the application was exempt and provide the reasons for the exemption. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>