**Ref 2022/0563 – Planning Application and 2022/0568 –Advertisement Consent Application**

Applicant: Mr Yaseen Laher

Proposal: Installation of car park management system consisting of ANPR camera, 5m camera column, camera cabinet, payment kiosk and hooped barriers.

Proposal: Installation of pay and display signage in various locations within the car park on 3m high sign poles.

Address: Wellington House Car Park, Wellington Street, Barnsley, S70 1WA

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**Planning History**

There is no relevant planning history relating to the application site. It appears to have a long-standing use as a car park.

**Site Description**

The application relates to the open car park between Wellington Street and (the pedestrianised) Market Street, with Wellington House to the south and a pub and a shop to the north. Access to site is taken off Wellington Street.

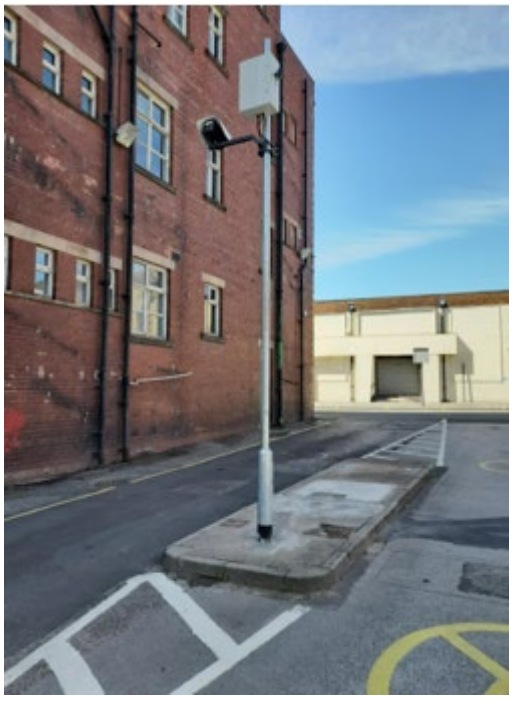
**Proposed Development**

The applicant seeks permission to install car park management system and associated signs.

The submitted design and access statement indicates that the site is currently is use as a car park with 50 parking bays.

The proposal includes:

Installation of a 5m column with an ANPR camera on it,



A payment kiosk with hooped barriers either side of it



Seven signs of two types, both 600mm x 800m, displayed on 3m poles or on walls:







**Policy Context**

Decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

Decisions on applications for advertisement consent are not determined under the S38/6 presumption in favour of the development plan in the way that planning applications are. However, development plan policies are a material consideration, and will inform consideration of the two principal issues of public safety and amenity on the advertisement consent application.

Local Plan

The new Local Plan was adopted at the full Council meeting held on 3rd January 2019.

The application site is in the primary shopping area and the Southgate District of Barnsley Town Centre as designated in the Local Plan. The following policies are relevant:

**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.

**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 HE1 The Historic Environment –** indicates that we will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment and will support proposals which conserve and enhance the significance and setting of the borough's heritage assets.

**Policy TC1 Town Centres –** indicates that new retail and town centre development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

**BTC17 Southgate District** – 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 the mixed use development on the former Co-op Pioneer site on Peel Street.

**Policy T4 New development and Transport Safety –** expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Supplementary Planning Documents

**Advertisements SPD** – offers guidance to anyone seeking to display an outdoor advertisement and in particular cautions against cluttered advertising and excessive illumination.

NPPF

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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, the policies above are considered to reflect the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 136 which states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

**Consultations**

**Highways Development Control**: (comments on revised plans) The proposal does not materially affect town centre parking provision or alter existing access or egress arrangements and does not impact on the public highway. As such there are no objections to the principle of the proposal from a highways perspective.

**Design and Conservation** - The car park is located to the north of Wellington House, very much in an area of reduced sensitivity in terms of the setting of the listed building. In fact, whilst the whole of Wellington House is (and has been previously) considered listed for planning purposes, the actual principally listed section is limited to the corner of Wellington and Market Street, where the architectural quality of these facades marks it out as something of special aesthetic interest. The area and elevations to the west and north have correspondingly lower quality and heritage interest and consequently, I'd see this as an area much less sensitive to change. As such, I see no harm to the setting posed by the signage or other proposals associated with the car park and as a result I raise no objections.

*Ward Councillors* – No response.

**Representations**

The application was advertised by way of a site and press notices (10 June - 1 July) and consultation letters which were sent to units/properties adjacent and near to the proposal site. Six comments have been received making the following points:

- The submitted plans are wrong – the signs are already displayed and not in the positions shown.
- The application falsely states that there are no trees on the site – there are, and they hide the signs, do the trees have TPOs?
- The signs contravene the BPA code of conduct and disadvantage users
- The signs would not be visible to users of the car park and any contract would not be enforceable
- ANPR cameras for car park management have been banned in council car parks as unreliable and problematic.
- Planning permission should not be approved, the company has been acting illegally issuing parking notices to motorists in contravention of the current laws.
- Barnsley Council has been turning a blind eye (and acting as accomplices) to this illegal activity
- The signage has been there since 10/2021 – this retrospective application goes against the law and the town and country planning act; consent can't be obtained retrospectively for these signs.
- Local businesses report that customers are being penalised due to the new operation of the car park, which could impact upon their business.

Further publicity to neighbours and objectors inviting comments between 1-15 September in response to the receipt of amended plans correcting the errors in the location of the proposed plans has not resulted in any further comments.

**Assessment**

Principle

Advertisements are acceptable where they would not be harmful to amenity, by virtue of size, position, location or proliferation and level of illumination; and where the proposal would not be prejudicial to public safety.

The proposed structures required in connection with the operation of the car park are acceptable in principle. Consideration is given to matters of detail below.

Visual Amenity including Heritage

The proposed structures and signs are relatively modest additions which do not have an adverse impact on the appearance of the site or the street scene and do not harm the setting of the adjacent listed building, given the assessment that the area and elevations to the west and north of the building are of lower quality and heritage interest.

Highway Safety

The Highways Officer has advised that the proposed signs and structures are considered acceptable from a highways development control perspective, do not adversely impact upon the highway and are considered acceptable from a public safety perspective. It is concluded that the proposed signs and structures would not be prejudicial to public highway safety.

Other

Several other matters have been raised by members of the public:

- The original submission has been corrected to ensure that the plans reflect the signs as displayed.

- None of the trees in the car park are subject to a TPO
- The regulation of the display of car park signs and the enforcement of any parking restrictions is not a planning matter.
- There are no regulations to prevent planning permission or advertisement consent being granted retrospectively.
- There is no evidence that the operation of this car park is having any material impact on the vitality and viability of the town centre.

Conclusion

As amended, the proposed signs and structures are proportionate to their setting and acceptable in visual amenity and public highway safety terms. Conditions are recommended to reflect the amended plans which have been received to correct the errors in the original submission.

**Recommendation**

**Grant** subject to conditions