



Planning Statement

The Lemon Tree, 5-7 Peel Square,
Barnsley



Prepared by: CP
Checked and approved by: CD
Client: Hartwood Estates Ltd
Date: June 2021



APPLICATION FOR LISTED BUILDING CONSENT FOR ALTERATIONS TO A LISTED BUILDING, INCLUDING DISPLAY OF NEW SIGNAGE, REPLACEMENT OF EXTERNAL MENU BOARDS AND EXTERNAL WOODEN PLANKS ALONG GROUND FLOOR AT THE LEMON TREE, BARNSELY

1.0 Introduction

- 1.1 The following Planning Statement has been prepared by Urbana Town Planning Ltd on behalf of Hartwood Estates Ltd, in support of an application for Listed Building Consent for the proposed development described above.
- 1.2 The statement describes the application site and its physical and planning context, alongside the proposals, before assessing them against relevant planning policy, both at the national and local scale.
- 1.3 The site is the subject of an enforcement letter in relation to the affixation of signage to the building (dated 21st May 2021). From our contact with the Enforcement Team at Barnsley Metropolitan Borough Council on 15th June 2021, we understand that there is no time limit on the submission of Listed Building Consent for these alterations as no formal notice has been received, however we are keen to resolve this matter.
- 1.4 The proceeding sections include more detail on the proposals as well as providing a detailed heritage assessment. This statement also contains a Design and Access Statement.

2.0 Site and Location

- 2.1 As indicated by the red line below, the site is situated at the eastern end of Peel Street, to the north of Peel Square. The site is located within the Westgate/Churchfields area of Barnsley Town Centre. The Lemon Tree has a Grade II Listed status (List UID: 1191881) and is immediately adjacent to Grade II listed 1-3 Peel Square (Greggs Bakery and No1 Currency Exchange), Grade II listed 1a Peel Square (Yorkshire Bank / Phone Geek) and opposite Grade II listed 1 Queen St (Boots Opticians Ltd.) To the rear of the site is Grade II listed 15 Market Hill (Wetherspoons). 7 Peel square is not listed, but is of the same architectural style as the Lemon Tree, and has been more altered at ground floor level.



- 2.2 The building is also located in the Regent Street/ Church Street/ Market Hill Conservation Area in the Westgate/Churchfield area of the town centre, as outlined on the Adopted Local Plan map.
- 2.3 The town centre location of the site is within proximity to a number of retail and food outlets, along Peel Street and within the remainder of the town centre area which is defined by the A61 and A628 to the south. The site sits centrally to Peel Square, an open and active pedestrianised walkway. Peel Square accommodates market stalls, located approximately 8m from the site, which increase footfall and economic activity in the area. The site is also the only formal independent dine-in restaurant in the immediate vicinity.
- 2.4 To the southeast of the site, following the pedestrianised walkway towards the town centre are a number of retail and food outlets; including Barnsley's main Alhambra shopping complex approximately 300m away, which contains over 40 outlets adjacent to Barnsley Market.
- 2.5 To the north of the site lies the Barnsley Museum & Discovery Centre and Barnsley Town Hall, between which are number of financial and professional services along Market Road. Approximately 160m to the north west lies the Barnsley Sixth Form College as well as the Gym Group complex approximately 200m away.

3.0 Enforcement

- 3.1 The site is the subject of an Enforcement letter in relation to the affixation of signage to the building (dated 21st May 2021). The proceeding sections set this out in more detail. In the letter, Barnsley Metropolitan Borough Council asserted that the following actions should be taken:
- Removal of all associated items affixed to the building
 - Fixing all damage made when affixing the items so it matches the existing appearance
 - Submission of an application for Listed Building Consent
- 3.2 The proposed signage, which is currently affixed to the building, is still in place. Removal of this signage would result in closure of the restaurant, which would have detrimental impact on the functioning of the independent business as well as the vitality of the town centre.
- 3.3 This application for Listed Building Consent seeks to rectify this situation and to achieve consent for the display of the 'new' signage. The signage has been assessed by an external heritage consultant, and this application is accompanied by a Heritage Assessment.

4.0 Planning History

- 4.1 The site itself has had several planning proposals relating to Listed Building as indicated below:



- **2008/1804** – Approved– Display of new signage
- **2008/1807** – Approved– Display of externally illuminated signage
- **B/04/0059/BA/AD** – Approved – Display of advertisement on a Public House
- **B/04/0138/BA/LB** – Approved with conditions – Display of illuminated signs to public house
- **B/91/0540/BA/LB** – Approved – Display of illuminated signs, lamps and logo

4.2 There are also a number of relevant planning histories in close proximity to the site which also relate to Listed Building Consents, including:

Greggs, 1-3 Peel Square

- **2014/0392** – Approved– installation of a new shopfront
- **2007/1203** – Approved– Replacement of fascia sign, painting of shopfront and internal alterations to Listed Building
- **B/88/0504/BA/AD** – Approved – Illuminated fascia sign

Boots Opticians Ltd., 1 Queen Street

- **2014/0337** – Approved– Display of two internally illuminated fascia signs
- **2014/0336** – Approved – Display of two internally illuminated fascia signs
- **B/90/1209/BA/LB** – Approved – internal alterations and display of fascia sign
- **B/76/0004/A/BA** – Approved – illuminated fascia sign

Yorkshire Bank, 19 Market Hill

- **2017/0690** – Approved with conditions – display of non-illuminated fascia sign to shop

The Joseph Bramah (JD Wetherspoon), 15 Market Hill

- **2006/0470** – Approved – Display of illuminated fascia and projecting signs to public house
- **2006/0123** – Approved – Display of illuminated fascia and projecting signs

5.0 Proposals

5.1 The proposals consist of the following and were affixed to the building in November 2020:

- Replacement front sign;
- Replacement external menu boards (x3); and
- External wooden planks along the ground floor (x4).

5.2 The works are cosmetic and largely replace existing fittings. No works are proposed to the building's interior, or changes to its structure.

5.3 The proposed menu boards are a replacement of three existing menu boards; the proposed boards comprise wooden surrounds with menu boards affixed to the walls by screws. Each is lit with downlights powered by external wiring.



6.0 Design and Access Statement

- 6.1 The design principles which have been applied to these proposals are reflective of the site's location in the Conservation Area, as well as it being a listed building.
- 6.2 The proposals have also taken account of the surrounding context and other listed buildings which front onto Peel Square, as shown in the above drawings. The below photo montage shows how the proposed additions to the listed building are in keeping with the existing environment and neighbouring listed buildings, which all have modern signage:



Boots, 1 Queen Street



Greggs, 1-3 Peel Street



Yorkshire Bank / Phone Geek

- 6.3 The dimension and materials of each addition are as follows:
- Proposed signage: H:88cm x W:9mtrs
 - Menu Boards: 3 x H:90cm x W:70cm
 - Planks along ground floor sill and to the left of entrance: 2 x H:22cm x W:80cm and 2 x H:22cm x W:5mtrs
- 6.4 This statement is accompanied by some photographs of the new signage which is compared against the previous signage:





Previous Signage



New signage

- 6.5 It is clear from the above images that there is little difference in terms of the impact of the new signage on the existing building, compared with the previous signage. The use of wood for the new signage are considered more sympathetic in terms of the impact on the listed building.
- 6.6 The building frontage also includes a feature to prevent anti-social behaviour and any damage to the windows caused by leaning. This is considered to be a protective measure against any potential harm which could be caused to the listed building. This is shown below.
- 6.7 Menus are located along the building frontage, one being shown below. This is also simply an updated version of what previously existed:



Signage at entrance



Planks at entrance



New protective measure

7.0 Planning Assessment and Balance

- 7.1 In determining the application, the most relevant planning policy documents include the following:



- National Planning Policy Framework (NPPF)
- Barnsley Local Plan and Supplementary Planning Documents
The current Local Plan was adopted in January 2019 and sets out principles to guide development on both a strategic and in some cases more detailed level. Where compliant with the NPPF full weight will be given to the policies contained within this document.

Sustainable Development

- 7.2 The NPPF states that at the heart of the document is a presumption in favour of sustainable development that represents a fundamental consideration in the process of both plan-making and decision-taking. Sustainable development is defined by 3 core dimensions: economic, social and environmental. It is established that: *"For decision taking this means: approving development proposals that accord with the development plan without delay."*
- 7.3 In this case, the proposals represent development to a Listed Building that will make a significant contribution towards achieving greater economic sustainability in the town centre. This will be contributed principally through the increased attraction of customers to the Lemon Tree through new attractive signage, which will have a resultant impact on the footfall activity along Peel Street and beyond.
- 7.4 It is considered that the significance of achieving this will be amplified by the site's important central location within the town centre as the only dining restaurants in the immediate vicinity of Peel Square and in relation to nearby retail and drinking establishments. This is in accordance with Policy TC1 and BTC1 which seek to increase the vitality and viability of the town centre. It is considered that, without new signage which has been brought up-to-date to attract increased number of customers, the business may cease to operate, causing harmful impacts on the vitality and viability of the town centre, contrary to local and national policy and the goals of BTC1 which specifically relates to the promotion of the night time and early evening economy, to which this restaurant significantly contributes.
- 7.5 It is asserted that substantial weight should be given to the enhancement of the high street and town centre, particularly after the impacts of the Covid pandemic, which has caused many high street stores to close.
- 7.6 With regard to the social sustainability of the proposals it is evident that they will have significant associated benefits by offering substantial improvements to the built environment as the proposed signage would be a welcomed change compared to what exists, which will improve the urban experience of this part of the town centre. The proposals will enhance the vibrancy and vitality of the area thereby feeding into another valuable aspect of social sustainability.
- 7.7 The improvement of this built environment will have resultant impacts on the environmental sustainability of the area, encourage users to walk and use other modes of sustainable transport due to the attractiveness of the area.



- 7.8 As a result, it is asserted that the proposals represent a development which fulfils underlying sustainable development requirements in terms of its specific economic, social, and environmental impacts. It is therefore evident that the proposals represent sustainable development and, in accordance with the compliance with other policies as indicated below, should be approved without delay.

Historic Environment – Planning Balance

- 7.9 National and Local policy seeks to conserve and enhance the historic environment. Paragraph 189 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 7.10 National Policy also makes clear that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.11 Adopted local policy HE1 states that the council will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment by, inter-alia, ensuring that proposals affecting a designated heritage asset conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal.
- 7.12 In accordance with Policy HE3, the development proposals have been devised to ensure there are no adverse impacts on the scale, form, massing or architectural detail of the building. The new signage is constructed from wood which is considered an appropriate use of materials. In fact, the signage better reveals the significance of a building exposing the segmental-headed carriage above the entrance. Whilst the new sign is deeper than previous, it allows for legibility of the architectural detailing around the windows at ground and first floor.
- 7.13 The only impact to the historic fabric is the affixing of the boards and light electrical cables to the wall with screws, although this is in the context of a number of pre-existing and filled drill holes on the building's façade. The right and central boards (looking towards the buildings) are shorter than the boards being replaced, the board on the left-hand side of the door is an equivalent size.
- 7.14 The plank across the front windows' bottom sill to the right of the main door is also wooden with metal spikes; parallel boards (without spikes) are also proposed to the left



of the main door. These maintain a sense of the building's architectural symmetry. These are a new addition and are affixed to the building using coach bolts.

- 7.15 The accompanying Heritage Assessment asserts that the proposed development would result in *minimal harm* to the historic fabric of the Lemon Tree as a Grade II Listed building and a *neutral* change to the character and appearance of the listed building, when considered in relation to baseline conditions.
- 7.16 The Historic England record identifies the Grade II Listed building as the White Hart Public House and asserts that the listing is included for group value. The images shown in Section 6 show the surrounding context of neighbouring listed buildings, which all incorporate modern signage.
- 7.17 It is considered that the proposals would in some ways improve the building frontage using more neutral colours.
- 7.18 The NPPF at Paragraph 196 asserts that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.19 Planning Practice Guidance provides further guidance on the term "public benefits" in the context of Paragraph 196 set out above, and states that:
"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits." (Paragraph: 020 Reference ID: 18a-020-20190723 Revision date: 23 07 2019)
- 7.20 The extensive public benefits of the proposal to be weighed against any finding of harm to the listed building include the following:
- Achievement of greater economic sustainability for the business;
 - Achievement of greater economic sustainability in the town centre. This will be contributed principally through the increased attraction of customers to the Lemon Tree through new attractive signage, which will have a resultant impact on the footfall activity along Peel Street and beyond;
 - Improvements to the historic built environment; and
 - Increase in the uptake of walking and cycling in the town centre due to the increased attractiveness of the built environment in this location.
- 7.21 The minor additions to the listed building by way of signage will greatly improve the economic success of the restaurant through increased attraction of customers and footfall along this section of the town centre.
- 7.22 In this context, it is clear that the proposed development would deliver economic, social and environmental objectives as described in the NPPF. These public benefits

significantly outweigh any level of less than substantial harm the listed buildings on the site.

- 7.23 Therefore, the development proposals are compliant with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy governing the conservation of the historic environment set out in Chapter 16 of the NPPF and the relevant policies of the adopted Barnsley Local Plan, as well as the emerging Local Plan.

8.0 Conclusions

- 8.1 This Planning Statement has been prepared by Urbana Town Planning on behalf of Hartwood Estates Ltd for the proposals noted above. It has assessed all aspects of local and national guidance to demonstrate that the proposed development is acceptable, in that it will offer very significant public benefits while being of appropriate scale and massing to its location, and will not negatively impact upon the site, its setting, or the surrounding area.
- 8.2 The proposed works will result in minimal loss of historic fabric and a neutral change to the character and appearance of the listed building, when considered in relation to baseline conditions. The significance of the building including its character, appearance, architectural interest and historic interest would be preserved. The character, appearance and heritage values of the conservation area would also not be affected by these proposals.
- 8.3 The character and appearance of the building, compared to a baseline that includes previous signage and menu boards, would be little changed.
- 8.4 The scale of the proposals and proposed materials are in keeping with the historic and current use of the building and do not detract from the building's architectural detailing; they allow the detailing around the main door to be better revealed. In some cases, the scale of the signage is slightly smaller compared to what previously existed.
- 8.5 The minimal harm to the fabric of the listed building is significantly outweighed by public benefits, including economic activity, vibrancy of the town centre and night time economy.
- 8.6 As a result of this, it is considered that it has been proven that the proposals comply with all relevant national and local policy and are therefore acceptable. Through the associated submitted documents, all other aspects of the proposal have been assessed and it is clear that there will be no negative impacts from the development and that therefore, as per national guidance, the application should be approved without delay.

