

---

2024/0692 & 2024/0705

Simon Sangha

23 Church Street, Barnsley, S70 2AH

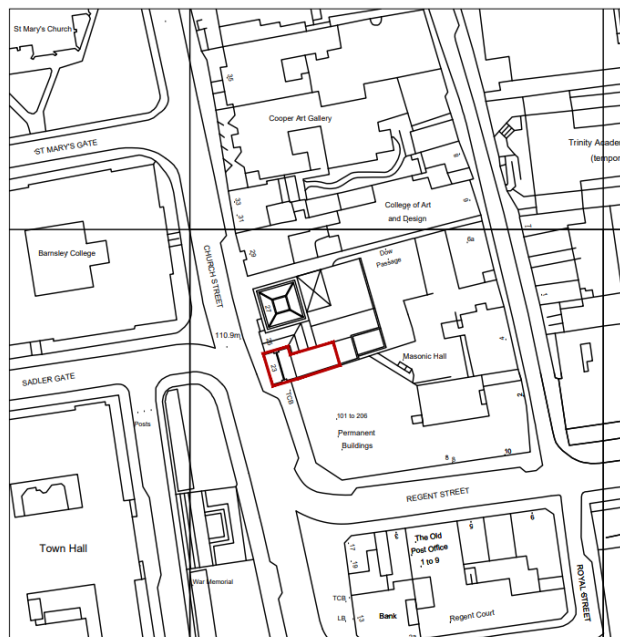
**Removal of internal interconnection between no's 23, 25 and 27 Church Street to reinstate their historic sub-division, reinstatement of an entrance on the west elevation of 23 Church Street, replacement of existing ground, first and second floor windows with new timber sash windows on the west elevation of 23 Church Street, the installation of 3no. new timber sash windows on the south elevation of 23 Church Street and the retrospective removal of the first-floor and hallway wall within no. 23 Church Street (Planning Permission and Listed Building Consent).**

---

### Site Description

This application relates to a grade II-listed building which fronts onto Church Street and is located to the east of and opposite to the Barnsley College, University Campus, and Barnsley Town Hall. The Town Hall is also a grade II-listed building. The application building is located in the Regent Street, Church Street and Market Hill Conservation Area in the Town Centre, which comprises numerous listed assets, including a grade II-listed K6 Telephone Kiosk to the south of and between 23 Church Street and the adjacent Permanent Building.

The application building comprises three storeys with a pitched roof with slate tiles and is rendered. The first and second floors are off-white while the ground floor is grey. The application building was previously used as a single planning unit together with 25 and 27 Church Street as a Barclays Bank. However, the building has remained vacant for some time. Retail and drinking establishment uses have since occupied 25 and 27 Church Street. The application building abuts the Permanent Building which is predominantly in residential use with planning permission for a retail unit on the Church Street frontage. The application building has planning permission for any purpose falling within Class E.



## Planning History

There is an extensive planning history associated with this application site. However, the most recent and relevant applications are:

1. 2020/0170 – Change of use of building into 2no retail units (use class E) and 1no drinking establishment (sui generis) and associated alterations, (3no units in total). Amended Description. – Approved.
2. 2020/0191 – Conversion of building into 2no retail units (use class E) and 1no drinking establishment (sui generis) and associated alterations (Listed Building Consent), (3no units in total). Amended Description. – Approved.
3. 2022/1117 – Creation of new access door to front. – Refused.

*The proposal lacks sufficient detail and design justification and has failed to demonstrate that the development would not cause harm to the special architectural and historic character of the listed building. The proposal would result in harm to the architectural and historic significance of 23 Church Street and to the setting of other listed buildings within the wider Conservation Area contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan policies HE1 The Historic Environment and HE3 Developments affecting historic buildings and the NPPF.*

4. 2022/1118 – Creation of new access door to front (Listed Building Consent). – Refused.

*The proposal lacks sufficient detail and design justification and has failed to demonstrate that it would not cause harm to the special architectural and historic character of the listed building. The proposal would result in harm to the architectural and historic significance of 23 Church Street and to the setting of other listed buildings within the wider Conservation Area contrary to section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan policies HE1 The Historic Environment and HE3 Developments affecting historic buildings and the NPPF.*

## Proposed Development

During the application process, the proposal was amended to include the retrospective removal of the first floor and hallway wall within 23 Church Street, the replacement of existing ground, first and second floor windows with new timber sash windows on the west elevation of 23 Church Street, and the re-painting of existing grey coloured render in off-white on the west and south elevations of 23 Church Street.

The applicant is seeking permission and listed building consent for the retrospective removal of the first floor and hallway wall within 23 Church Street, the removal of internal interconnections between no's 23, 25 and 27 Church Street to reinstate their historic sub-division, the reinstatement of an entrance on the west elevation of 23 Church Street, the replacement of existing ground, first and second floor windows with new timber sash windows on the west and south elevations of 23 Church Street, and the painting of existing grey coloured render in off-white on the west and south elevations of 23 Church Street.

The new timber sash windows and entrance door would be painted in Mountain Blue linseed oil paint by Brouns & Co.



## **Policy Context**

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 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 it.

### Local Plan Allocation – Town Centre

The application site is in the Courthouse Campus District of Barnsley Town Centre. The application building is also a grade II-listed building located in the Regent Street, Church Street and Market Hill Conservation Area. The following policies are therefore relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy HE1: The Historic Environment.***
- ***Policy HE3: Developments affecting Historic Buildings.***
- ***Policy HE4: Developments affecting Historic areas or Landscapes.***
- ***Policy D1: High quality design and place making.***
- ***Policy GD1: General Development.***
- ***Policy POLL1: Pollution Control and Protection.***
- ***Policy T4: New Development and Transport Safety.***
- ***Policy TC1: Town Centres.***
- ***Policy BTC21: Courthouse Campus.***

### Supplementary Planning Document(s)

- ***Shop front designs.***
- ***Heritage impact statements.***

### National Planning Policy Framework

The NPPF sets out the Government’s planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- ***Section 12: Achieving well-designed and beautiful places.***
- ***Section 16: Conserving and enhancing the historic environment.***

*Paragraph 203. 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.*

*Paragraph 205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*Paragraph 207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*Paragraph 208. 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.*

*Paragraph 212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

#### Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

- **Section 16: Decision on application.**
- **Section 66: General duty as respects listed buildings in exercise of planning functions.**
- **Section 72: General duty as respects conservation areas in exercise of planning functions.**

#### **Consultations**

Conservation Officer	No objections subject to conditions.
Historic England	Based on the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.
Highways Development Control	No objections. Informative(s) to be included.
Local Ward Councillors	Councillor Summer – No objections.

#### **Representations**

This application was advertised by a site notice and press notice, expiring 24<sup>th</sup> September 2024 and 27<sup>th</sup> September 2024 respectively. A re-consultation exercise was undertaken due to amended plans and an amended description. An amended site notice was posted nearby and expired 15<sup>th</sup> November 2024. No representations were received.

## **Assessment**

### Principle of Development

Section 8(3) of the LBCA Act 1990 enables an application for listed building consent to be made after work to a listed building has taken place. However, work is only authorised from the actual date the consent is given, so anyone carrying out the demolition of a listed building or altering or extending in a way which would affect its character prior to this can still be prosecuted.

Development comprising alterations to a listed building are considered acceptable in principle if the proposals would be proportionate, would adopt a sympathetic design and would respect architectural detail. Development should also not detrimentally affect the amenity afforded to adjacent properties, including visual amenity and highway safety, and should also respect, conserve and enhance the significance and setting of the borough's heritage assets and should not significantly alter or detract from the character of the street scene. Local planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets, to enhance or better reveal their significance. Development that would preserve those elements of setting that make a positive contribution to the asset, or which better reveal its significance, should be treated favourably.

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 could otherwise unacceptably affect or cause nuisance to the natural and built environment or to people.

Barnsley Town Centre is the dominant urban centre in the borough, and to ensure that it continues to fulfil its sub-regional role, support will be given to development that would maintain and enhance the vitality and viability of the town centre.

### Design, Heritage and Visual Amenity

Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the listed building and conservation area or its setting or any features of special architectural or historic interest which it possesses.

This application relates to a grade II-listed building which fronts onto Church Street and is located to the east of and opposite to the Barnsley College, University Campus, and Barnsley Town Hall. The Town Hall is also a grade II-listed building. The application building is located in the Regent Street, Church Street and Market Hill Conservation Area in the Town Centre, which comprises numerous listed assets, including a grade II-listed K6 Telephone Kiosk to the south of and between 23 Church Street and the adjacent Permanent Building.

The application building comprises three storeys with a pitched roof with slate tiles and is rendered. The first and second floors are off-white while the ground floor is grey. The application building was previously used as a single planning unit together with 25 and 27 Church Street as a Barclays Bank. However, the building has remained vacant for some time.

Historically, the original Victorian townhouse was unconnected with a pedimented door positioned on the building's western elevation allowing access. This door was later removed and replaced by a window. Later mid c20 changes introduced a shopfront at ground floor level that wrapped around the west and southern corner of the building as can be seen on the photo in the supporting Heritage Impact Assessment. Following works by Barclay's Bank in the 1970's and 1980's, 23 - 27 Church

Street became connected internally, and the shopfront and doorway were removed with the main access being located to the north via 25 Church Street. It appears that these works also included the removal of the original sash windows and replaced with plain timber casements (now fixed) that are seen today. To the rear of the building, and internally, numerous changes were enacted that resulted in extensions and alterations that has harmed the special interest of the listed building. More recently, it is understood that the first floor within the building has been removed, creating what is essentially a double height space within the original townhouse. Photos included in the supporting Heritage Impact Assessment appear to show this change. Consequently, the building does retain some of its overall aesthetic contribution and group value to the conservation area, but its heritage significance has been eroded somewhat over time because of incremental and harmful internal and external changes. Whilst historic alterations introduced their own harm, the more recent removal of the internal first floor results in the loss of further historic fabric which is both regrettable and weighs significantly against the proposal, especially as it does not appear that this work was consented.

The proposed development seeks to redress some of the historic and recent harm to the listed asset by removing the internal connections, re-instating the original stone pediment doorway. During the application process, the proposal was amended to include the replacement of existing windows on the west elevation of the building with genuine timber sash windows and the painting of the ground floor of the building in off-white. The amendments were introduced following the comments from the Council's Conservation Officer. A re-consultation exercise was undertaken, and the revised proposal is considered to be a genuine improvement and would enhance the appearance of the building within the conservation area with an overall betterment of the group value. Nevertheless, to ensure that the improvements are secured, any grant of permission will be subject to conditions. As such, subject to conditions, this weighs considerably in favour of the proposal.

The proposed development also includes the installation of three new timber sash windows on the south elevation of the building. The Conservation Officer has stated that it is not known if there is a historic precedent for windows on this elevation. However, the windows would adopt an appropriate style and would maintain the alignment of existing openings. As such, the Conservation Officer has stated that they see no harm and have raised no objections in this regard, and therefore, this weighs modestly in favour of the proposal.

The new timber sash windows and entrance door would be painted in Mountain Blue linseed oil paint by Brouns & Co. This colour was decided and agreed upon following ongoing conversations with the Agent and the Conservation Officer in which alternatives were also discussed. Ultimately, it was felt that, on balance, the Mountain Blue colour was a fair choice because it would better reflect the strong chromatic colours often seen on inter-war and Art Deco buildings. Moreover, the supporting Design and Access Statement and Heritage and Impact Statement include an image that clearly shows that the previous windows, doors and shopfront were darkly coloured, although the image is black and white and does not provide a clear idea of exactly what colour was historically used. Nevertheless, given the historical precedent of a darker colour and the fact that there are other shopfronts within the vicinity and broader conservation area that benefit from using strong blues, it is considered that the proposed colour is acceptable. A similar colour (Stiffkey Blue) as proposed was used on the JE James building in the High Street Heritage Action Zone to great effect, and therefore, this weighs moderately in favour of the proposal.

Notwithstanding the above, the proposed development would prevent further deterioration of a listed asset and would bring a long-standing vacant building into use, contributing to the vitality and viability of the Town Centre, in accordance with Local Plan Policy TC1. The anticipated benefits of enabling the development are therefore attributed substantial weight, in accordance with paragraph 207 of the NPPF, and are considered to outweigh any potential harm.

*The development is therefore considered to conserve or enhance the character and appearance of the Regent Street, Church Street and Market Hill Conservation Area and the grade II-listed building (23 Church Street) and other nearby grade II-listed buildings in accordance with Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development*

*is also considered to comply with Local Plan Policy HE1: The Historic Environment, Local Plan Policy HE3: Developments affecting Historic Buildings, Local Plan Policy HE4: Developments affecting Historic Areas or Landscapes, and Local Plan Policy D1: High Quality Design and Placemaking and would be acceptable regarding visual amenity.*

#### Residential Amenity

The proposal would not contribute to significantly increased levels of overshadowing, overlooking and loss of privacy or reduced levels of outlook. However, there could be some potential disturbance and disruption because of construction works, and although any potential impact is anticipated to be temporary, a condition will be used to control construction hours. Subject to conditions, this weighs modestly 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 would be acceptable regarding residential amenity.*

#### Highway Safety

Highways Development Control were consulted on this application. It was stated that development would not be prejudicial to highway safety, but the applicant is advised to contact the local authority's Street Works team to ensure that an oversailing licence is not required for the proposed canopy above the doorway. It is also advised that care is taken during construction works to ensure that the existing traffic signals will not be obscured. This advice was relayed to the Agent on 20<sup>th</sup> September 2024 and will be included as an informative. This weighs modestly in favour of the proposal.

*The development is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is acceptable regarding highway safety.*

#### Other Matters

Section 7 of the Planning (Listed Building and Conservation Areas) Act 1990 states that, subject to the following provisions of the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. Section 9 of the Act states that if a person contravenes Section 7, he/she shall be guilty of an offence.

There is a legal requirement to obtain listed building consent for development that is likely to impact on the fabric, appearance or special interest of a listed building, and the justification and need can be a significant factor when considering a proposal, even if some minor harm is caused. Therefore, dialogue with the local planning authority, prior to the commencement, is strongly encouraged and provides an opportunity for open discussion in the interests of finding the best and most sustainable solutions.

#### Planning Balance and Conclusion

This application relates to a grade II-listed building which fronts onto Church Street and is located to the east of and opposite to the Barnsley College, University Campus, and Barnsley Town Hall. The Town Hall is also a grade II-listed building. The application building is located in the Regent Street, Church Street and Market Hill Conservation Area in the Town Centre, which comprises numerous listed assets, including a grade II-listed K6 Telephone Kiosk to the south of and between 23 Church Street and the adjacent Permanent Building.

The application building comprises three storeys with a pitched roof with slate tiles and is rendered. The first and second floors are off-white while the ground floor is grey. The application building was previously used as a single planning unit together with 25 and 27 Church Street as a Barclays Bank. However, the building has remained vacant for some time. Retail and drinking establishment uses

have since occupied 25 and 27 Church Street. The application building abuts the Permanent Building which is predominantly in residential use with planning permission for a retail unit on the Church Street frontage. The application building has planning permission for any purpose falling within Class E.

The proposed development relates to the retrospective removal of a first floor and hallway wall within 23 Church Street, the removal of internal interconnections between no's 23, 25 and 27 Church Street to reinstate their historic sub-division, the reinstatement of an entrance on the west elevation of 23 Church Street, the replacement of existing ground, first and second floor windows with new timber sash windows on the west elevation of 23 Church Street, the installation of three new timber sash windows on the south elevation of 23 Church Street, and the painting of existing grey coloured render in off-white. The new timber sash windows would be painted in Mountain Blue linseed oil paint by Brouns & Co.

The proposed development seeks to redress some of the historic and recent harm to the listed asset, including the recent removal of the internal first floor which has resulted in the loss of further historic fabric, which is regrettable. The Agent and Applicant have worked collaboratively with the LPA and the Conservation Officer to address this issue, and the revised scheme is considered to be a genuine improvement and would enhance the appearance of the building within the conservation area with an overall betterment of the group value. The proposal would also prevent the further deterioration of a grade II-listed asset and would bring a long-standing vacant building back into use, contributing to the vitality and viability of the Town Centre. As such, the substantial anticipated benefits of the development would outweigh any potential harm. The proposal is considered acceptable regarding national and local planning policies, and the planning balance therefore tilts in favour of the proposal, and as such, this application is recommended for approval.

**Recommendation -  
Approve with Conditions**