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Planning Department
Barnsley Council
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23 December 2016

Dear Sir/Madam

RE: Ground Floor Unit at 30 Market Hill, Barnsley, S70 2QE

On behalf of our client Power Leisure Bookmakers Ltd (trading as Paddy Power), please find enclosed a planning application in respect of the existing vacant unit at 30 Market Hill, Barnsley, S70 2QE; formally occupied by Yorkshire Building Society.

The Proposal

Our client is applying to vary Condition 2 of application ref: 2016/1166 (copy of Decision Notice at **Appendix 1**), which was granted on 15 November 2016 via the submission of an application for Listed Building Consent. The permission allows for the *'Change of use from A2 to betting shop, display of signage and installation of satellite dishes and air conditioning units (Listed Building Consent)'*

Condition 2 of the permission states:

'The development hereby approved shall be carried out strictly in accordance with the amended plans 2016/89/04 Rev A received 20/10/16; 016/89/05 Rev A received 11/11/16; 2016/89/06 Rev A received 13/10/16' 2016/89/07 Rev A received 13/10/16 and specifications as approved unless required by any other conditions in this permission.'

The condition was imposed *'in the interests of the visual amenities of the locality in accordance with Core Strategy Policy CSP29, Design.'*

Specifically, the application is applying to replace plan 016/89/05 Rev A with plan 2016/89/05 which shows the proposed external elevations. For reference a copy of the approved plan is included at **Appendix 2**. The proposed plan is included at **Appendix 3**.

Background

The application was originally submitted with painted opal green (RAL 6026) window frames. However, during the determination of the application, the colour of the window frames was amended to grey (RAL 7024) following comments made by the Conservation Officer who did not consider the opal green colour to be appropriate given the buildings prominence at the gateway to the Town Hall and associated Gardens.

Directors
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Discussion

On 12 December 2016, Planning Potential undertook a survey of all listed buildings within Barnsley Town Centre in proximity to the unit. The plan included at **Appendix 4** illustrates the locations of the listed buildings (shown in pink). The numbered circles indicate the position of photographs, and the legend shows the units to which these photographs relate. **Appendix 5** includes the photographs.

The photographs illustrate that the majority of the buildings have white window frames, although a number of other units have window frames painted in alternative colours, for example 12 Market Hill (Photograph 13) which is also listed has window frames painted in a vibrant red and 'Walkabout' which is located adjacent to 12 Market Hill which is located within the Conservation Area has green window frames.

Policy

The Officers Report (included at **Appendix 6**) states how the proposed opal green colour on the ground floor windows was not considered appropriate given the buildings prominence at the gateway to the Town Hall and associated Gardens. We are not aware of any planning policies which indicate why green windows frames in this location would not be appropriate.

There are no policies within the UDP which would warrant a refusal of this application.

Policy CSP 30 'The Historic Environment' of the Core Strategy expects proposals to protect or improve; the character and/or appearance of Conservation Areas; and the character and/or appearance of listed buildings.

We consider that the proposal is not in conflict with Policy CSP30. To an extent, we consider the policy to be subjective and our view is that the proposed green window frames will not adversely impact upon the character and/or appearance of the Conservation Area.

The proposed opal green window frames would complement the approved opal green signage, thereby improving the overall appearance of the building, in compliance with Policy CSP30.

There are a number of listed buildings within the Town Centre Conservation Area which have coloured window frames, notably 12 Market Hill and 'Walkabout' located on Market Hill. This would indicate a lack of consistency in decision making.

Design and Heritage

Our client has purposefully not proposed any alterations to the external design features of the unit, recognising the listed status of the building and the Conservation Area within which it sits.

It is important from a heritage perspective, that listed buildings are well maintained and preserved. Vacant units adversely impact upon the street scene and portray a negative image, detracting from the character of a listed building. It is crucial to our client that the corporate branding and identity is retained, otherwise, from a commercial perspective, the unit is not as attractive as it otherwise could be.

We consider that the proposed changes to the colour of the window frames would more closely tie in with the approved signage for the unit which is predominantly green and complements the company's corporate colours.

It was noted within the Officers report that the applicant did not propose their standard signage and branding for the unit and has opted for a heritage style approach. The proposed signage was considered not to be a visually intrusive feature within the street scene and as such was considered acceptable and in compliance with UDP Policy BE6D and Core Strategy Policy CSP30.

The approved grey window frames would be set in the immediate context of a predominantly green sign. Visually, this would not sit well and we consider that opal green window frames would complement the green signage which has been approved.

Based on our thorough review of units within the Conservation Area, specifically listed buildings, we consider that there is no consistency in colour choice throughout the Conservation Area. We consider it unreasonable to specify a window frame colour on the application unit given that a different approach has been permitted on other listed buildings within the Conservation Area. Our client has taken a considerate approach, opting for opal green signage and is seeking to replicate this colour on the window frames. The opal green colour has already been accepted as appropriate via the approved signage application.

On a national basis, permission has recently been granted for green window frames for a Paddy Power unit located on a Grade I Listed Building on Clayton Street, Newcastle (app ref: 2013/0095/01) – see **Appendix 7**.

We consider that Condition 2 does not pass the six tests set out in the National Planning Policy Framework, specifically the 'reasonable in all other aspects' test.

Given the above, we respectfully request that permission is granted to vary Condition 2 of application ref: 2016/1166.

Yours sincerely,

Enc.