
Ref 2022/0933 (planning application) and 0938 (listed building consent)

Applicant: Mr Kevin Liddy

Proposal: The installation of roof mounted solar panels

Address: Office A, The Old Court House, Regent Street, Barnsley, S70 2HG

Site Description

The application site is a grade II listed building at the corner of Regent Street and Eastgate. In the immediate vicinity are a number of listed buildings on Regent Street and the site is within the central Barnsley Conservation Area. The predominant character of the area is established by 19th century local stone and slate buildings; modern buildings in the vicinity include Regent House which is opposite the Old Court House. The building has a pitched and hipped roof set behind a parapet which serves to screen to some extent views of the roof.

Street scene photo



Proposed Development

The proposals seek listed building consent and planning permission for the installation of three courses of twenty-four solar photo voltaic panels on the southern roof plane of the building, that is on the roof plane facing Regent Street

Design & Access and Heritage statements have been submitted in support of the application which indicate that the proposed panels will not be visible from ground level; the work is reversible; and any harm will be offset by the reduction in the buildings carbon footprint which is consistent with government policy for mitigating climate change. Further submissions in response to the Conservation and Design Officer's initial comments indicate that

- The upper part of the array will be visible but will not detract from the contribution the building makes to the street scene
- A reduced array of panels will not be financially viable
- Savings accruing from on site generation will be apportioned to the building occupants based on floor area. These will be significant and will make a major contribution to the

charity's budget and ensure that the day centre can continue to provide support for dementia sufferers and their carers.

Comments have also been submitted by the agent from Barnsley Independent Alzheimers and Dementia Support charity who occupy the first floor including BIADS leaflets and the statement: *From BIADS' point of view the areas we occupy are used for a day care centre for people who have dementia who are mostly elderly – our oldest member is over 90. As we all know the older you get the more you feel the cold so it is imperative that we keep the building at a suitable temperature. This of course leads onto increasing heating costs for ourselves and Liddys. As we are already struggling financially to keep our day centre open increasing heating costs may well be the thing that tips us over into a substantial deficit and we may have to consider closure of our centre. We currently provide 27 people with 46 sessions of day care per week so any closure, even a temporary one over the winter months, would be to the detriment of those attending and their family carers who rely on us caring for their relative while they have a much needed break*

Proposed south elevation (Regent Street) and proposed roof plan



Planning History

2012/0328 & 333 – change of use from county court to office/business and financial and professional services and internal alterations

2019/0619 & 0899 – change of use of first floor to day care facility for Alzheimer's and dementia support and internal alterations

2020/0117 (LBC) installation of new platform lift from ground to first floor

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.

The Local Plan was adopted at the full Council meeting held on 3rd January 2019 and the Council has adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration that must be taken into account where it is relevant to a planning application.

The application site is in the designated Regent Street – Church Street Market Hill Conservation Area and The Yards area of the Town Centre as designated in the Local Plan

The following policies are relevant:

Local Plan

Policy GD1 General Development – Development will be approved subject to assessment against a range of criteria, including 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 HE2 Heritage Statements and general application procedures – indicates the requirement to include a heritage statement with relevant applications.

Policy HE3 Developments affecting Historic Buildings – Proposals involving historic buildings should conserve and where appropriate enhance, respect historic precedents, and capitalise on opportunities to reveal significance.

Policy BTC14 The Yards District – we will allow housing, offices and small-scale shops and services. Development will be allowed that would support the liveliness and economic strength of the town centre.

Policy CC1 – Climate Change – indicates that we will seek to reduce the causes of and adapt to the future impacts of climate change by a range of measures (including promoting and supporting the delivery of renewable and low carbon energy).

Policy RE1 - Low Carbon and Renewable Energy – all developments will be expected to incorporate initially appropriate design measures and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon emissions and should at least achieve carbon compliance targets set out in Building Regulations. Also sets out criteria for consideration of renewable energy producing development.

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.

The NPPF advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para 126), that great weight should be given to a heritage assets's conservation, irrespective of the degree of harm (para 199) and that any harm to or loss of significance will require clear and convincing justification (para 200)

The NPPF also advises that the planning system should support the transition to a low carbon future in a changing climate and that local planning authorities should approve applications for renewable and low carbon development if its impact are (or can be made) acceptable (paras 152 and 158)

Consultations

Conservation and Design Officer – The main issue to consider in determination of the LBC application is whether or not the proposed alterations would harm the special character or historic interest of, or impact on the setting of, the Listed Building. The 1990 Act requires special regard to be given to the desirability of preserving the building, its setting or any special features, when determining an LBC application (section 16 (2)). The Act also requires special regard to be given to the desirability of preserving the building, its setting or any special features when determining a planning application (section 66(1)). Notwithstanding the submission in Heritage Statement, the panels will be visible from areas at ground level, and from the neighbouring (and listed) buildings on their upper floors including The Civic. Concludes that the proposal would be harmful to the architectural and historic significance of The Old Courthouse and to the setting of other listed buildings within the wider Conservation Area and the harm would not be substantially outweighed by the provision of decentralised power and a lower carbon footprint. If the top two courses of panels were omitted, harm to architectural significance would be much reduced.

Reconsultation response: The agents' further supporting statement underplays the scope and nature of the impact. The proposal will result in harm and erosion of the heritage significance and the benefits do not outweigh that harm and the proposal might set a negative precedent.

Ward Councillors – no comments received

Representations

The applications were advertised by way of site notices and press notices (30 September to 21 October) and consultation letters which were sent to units/properties near to the proposal site. No letters have been received.

Assessment

Principle

The proposal for the installation of roof mounted solar panels is acceptable in principle subject to assessment of matters of details below.

Heritage

Although views of the roof are limited in the immediate vicinity of the building, views from further afield and from the upper floors of nearby listed buildings and in particular the viewing balcony of the Civic are such that the proposed solar panels will be highly visible in public views of the building. The panels would have a modern texture and appearance at odds with the traditional roof covering and would appear awkward in the way that they are arranged in relation to the chimney and the hipped roof. It is concluded that the proposal would be harmful to the architectural and historic significance of The Old Courthouse and to the setting of other listed buildings within the wider Conservation Area



Sustainability

The proposed development will facilitate the production of renewable energy and thus reduce carbon emissions, which is supported by local and national planning policy where any impacts are (or can be made) acceptable.

Public benefits

The proposal will reduce the electricity costs of the building and it is proposed that the savings will be apportioned to the building occupants, including the charity on the first floor although the amount and the means of securing the savings are not established.

Other matters

The agent makes the point that the proposed works are reversible at the end of the life expectancy of the proposed solar panels. It appears likely that it is possible for the works to be undertaken without harm to the historic fabric.

Conclusion

The proposal would be significantly harmful to the architectural and historic significance of The Old Courthouse, to the setting of other listed buildings and to the wider Conservation Area. This harm must be weighed against the public benefits of the scheme which include the production of renewable energy and the reduction of carbon emissions, which would be a public benefit of moderate weight in favour of the proposal. There would also be some public benefits from the savings accruing from on-site generation which would benefit both the applicant and the charity that rents the first floor. However the extent of the savings is not quantified, nor is it established how they would be secured to the tenants and it is concluded that this benefit can be given limited weight. It is concluded the great weight that must be given to the harm to the significance of the listed building, its setting and the Conservation Area would not be outweighed by the moderate public benefits. It is therefore concluded that the proposal would be contrary to the expectations of the Planning (Listed Buildings and Conservations Areas) Act 1990 and to the development plan as a whole.

Recommendation

Refuse