

Application Report

Strategic Development & Planning

Place Services

North Devon Council

Lynton House, Commercial Road,

Barnstaple, EX31 1DG



Application No:	72974	Application Expiry:	21 April 2021
Application Type:	Listed Building Consent	Ext Of Time Expiry:	
		Publicity Expiry:	1 April 2021
Parish/Ward:	Barnstaple/Barnstaple Central		
Location:	8A - 9 Butchers Row Barnstaple Devon EX31 1BW		
Proposal:	Listed Building Consent for internal alterations		
Agent:	Mr Mark Auvray		
Applicant:	Mr Ray Auvray		
Planning Case Officer:	Mr M. Brown		
Departure:	N		
EIA Development:	N	EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee, as the property is owned by the District Council.		

Site Description

Formerly known as: Nos.1 to 33 Butchers Row. The road is accessed off of Barnstaple High Street. Some of the shops have been amalgamated to form fewer shops. The units along the frontage are all of a similar design, are compact and front directly on to the street with a canopy over the pavement. The row is listed grade II with most units being in retail use or associated ancillary uses or benefitting from personal permissions for alternative uses. Property 8A is currently unoccupied with Unit 9 occupied as a butchers.

Recommendation:

Approved

Legal Agreement Required:- No

Planning History

Planning	Decision	Decision Date
47124	Approve Reg 3/4	6 November 2008
Address: 8 Butchers Row, Barnstaple, Devon, EX31 1BW		
Proposal: Application under Regulation 3 of the T & C Planning General Regulations 1992 for Change of Use from former trader's toilets to Class A1 (Retail Unit)		
47144	LB (Execution Works) Approval	11 December 2008
Address: Wild And Natural Meats, 8 Butchers Row, Barnstaple, Devon, EX31 1BW		
Proposal: Listed Building Application under Regulation 3 of the T & C Planning General Regulations 1992 for Change of Use from former trader's toilets to Class A1 (Retail Unit)		
70906	Approved	13 February 2020
Address: 9 Butchers Row, Barnstaple, Devon EX31 1BW		
Proposal: Listed Building Application for internal and external works associated with fit out of a butcher's shop		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Barnstaple	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	Within constraint
Is an Adopted Primary Shopping Frontage: Barnstaple Town Centre	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Listed Building Adjacent: 1356 EH Ref 1385100 Church House, Church Lane, Barnstaple	Within constraint
Listed Building Adjacent: 1379 EH Ref 1385323 No. 2, St Peter's Terrace, Barnstaple	Within constraint
Listed Building Adjacent: 1418 EH Ref 1385083 Nos. 1-16 (consecutive), Butchers' Row, Barnstaple	Within constraint
Listed Building: 1418 EH Ref 1385083 Nos. 1-16 (consecutive), Butchers' Row, Barnstaple	Within constraint

Use Class: A1 - Shops - A1a - Sale of goods (other than hot food) Within constraint

Use Class: A5 - Hot Food Takeaways - A5 - Sale of hot food for consumption off the premises Within constraint

Use Class: Vacant - NULL Within constraint

USRN: 27504103 Road Class:Q Ownership: Private 4.25

Within adopted Development Boundary: Barnstaple North Development Boundary ST06 Within constraint

Within Adopted District Centre: Barnstaple Town Centre Within constraint

Within Adopted Primary Shopping Area: Barnstaple Town Centre Within constraint

Within Adopted Primary Shopping Area: Barnstaple Town Centre Area Within constraint

Within Adopted Unesco Biosphere Transition (ST14) Within constraint

Within Braunton Burrows Zone of Influence Within constraint

Within:, SSSI 5KM Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant Within constraint

Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA Within constraint

SSSI Impact Risk Consultation Area Within constraint

Listed Building Grade: II
 Conservation Area: BARNSTAPLE, TOWN CENTRE

DM04 - Design Principles
 DM07 - Historic Environment
 DM19 - Town and District Centres
 ST15 - Conserving Heritage Assets

Consultees

Name	Comment
Barnstaple Town Council	No objection received.
Councillor R Mack Reply Received 1 March 2021	Please accept my support for this application. I am very pleased to see an expansion of local produce returning to historic Butchers Row, and cannot think of a more suitable use for these units. The internal works connecting the two units has precedent and I can't see it having a negative impact on the heritage of the street.
Heritage & Conservation Officer Reply Received 10 March 2021	I do not consider that this proposal will cause harm to the significance of the heritage asset.
Sustainability Officer	No objection received.

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Considerations

Proposal Description

This application seeks listed building consent for the partial removal of an internal dividing wall, which separates two shop units, to make one retail unit. Consent is also sought for the removal of modern fittings, internal reconfiguration and works associated with fit out of a butchers shop. Timber signage is also proposed along with timber grills above the window.

The applicant has advised that the proposal seeks to extend the only butchers shop on butchers row; Top Meadow Farm Ltd to create a space for processing on site, making sausages and mince, house a small walk in cold store, but also have a refrigerated window bed, glazed fronted refrigerator and shelving for Ready to Eat products.

Planning Considerations Summary

- · Heritage Asset
- · Ecology

Planning Considerations

The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

Section 16 of the Listed Building Act, in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is a material consideration.

Design/Heritage

The proposal has the potential to impact on the significance of the heritage asset unless the works are carefully planned. Removal of wall and the introduction of new features can alter the significance of a heritage asset.

The Conservation Officer has set out that she is content that the party wall dividing the shops can be partially removed to allow the units to function as one, as shown on the plans.

Only removing parts of the wall will reduce impacts by providing a reference to former fabric. The signage and louvres will reflect that of a heritage asset. Subject to the dividing wall being retained in part the significance of the heritage asset will be secured and the building preserved. Whilst the building being occupied should mean it stays in a good state of repair, which is a benefit.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Given the nature of the works no impact on protected species is identified.

Conclusion

The application is considered to accord with the adopted development plan and Duty detailed above by not impacting on the significance of the heritage asset. Approval of the application is therefore recommended subject to the imposition of conditions.

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation

Approved

Legal Agreement Required:- No

Conditions

1. This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the Consent is granted.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby permitted shall be carried out in accordance with the following approved plans/details:
2005 040 Location Plan received on the 24/02/21

2005 101 Floor Plan existing & Proposed received on the 24/02/21
2005 120 Elevations received on the 24/02/21
2005 121 Signage Plan received on the 24/02/21
(‘the approved plans’).

Reason:

To ensure the work is carried out in accordance with the approved plans in the interests of proper planning.

Informatives

1. INFORMATIVE NOTE: -

The Planning [Listed Buildings and Conservation Areas] [England]
[Amendment] Regulations 2003

SUMMARY OF REASONS FOR THE DECISION TO GRANT LISTED
BUILDING CONSENT.

The Local Planning Authority considers that listed building consent should be granted as it does not consider that permitting the proposed works would conflict with its duty under Section 16 of The Planning [Listed Buildings and Conservation Areas] Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Appendices

Appendix A – Location Plan
