

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	75204
Application Type:	NDC Reg 3
Application Expiry:	22 June 2022
Extension of Time Expiry:	
Publicity Expiry:	27 May 2022
Parish/Ward:	BARNSTAPLE/BARNSTAPLE CENTRAL
Location:	The Pannier Market High Street Barnstaple Devon EX31 1BL
Proposal:	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for Installation of PV panels to the Southern roof slope
Agent:	Ms Viki Kamenova
Applicant:	North Devon Council
Planning Case Officer:	Mr M. Brown
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	The applicant is North Devon District Council.

Site Description

The Pannier Market was originally designed by the Borough Surveyor, Richard Davey Gould, opened in 1855 and linked High Street and Boutport Street. This was intended for vegetables, with a Corn Market and Music Hall built shortly after at the Boutport Street end. It represents the civic establishment, commercial and social life of the town from their mid-19th century construction date to today. Therefore, this streetscape is crucial to the interpretation of the narrative of Barnstaple's 19th century revival.

The "Pannier Market, Butchers Row" has been Grade II listed since 1951. The building has a warring aesthetic between its desire to showcase and show-off civic wealth, pride and produce and its desire to be a busy working space, eminently practical. The main feature of the building is its extraordinary timber-framed roof. The roof is engineered with timber frame, and timber roof on timber columns. The glass glazing on the roof provides natural light inside the market, thus, creating a strong aesthetic.

The southern building façade has a strong classical aesthetic with round-headed arches having subtle flourishes. It is built with in sharply lined and easier to clean hard brown-red

engineering bricks, reminiscent of the working buildings of mills and factories of the age. There are decorative details to arches and doorways and there are details of stamps to the cast-iron hoppers of the guttering.

To the south of the site is Butchers Row and the Queens Theatre to the east, with the former slaughter house and former Public house to the north. Whilst to the north there is also a restaurant area and shop. To the west is of course the historic Guildhall and the High Street.



Recommendation

APPROVE

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
75186	Listed Building Consent for renovation of public toilets, offices. insulation of the corn store roof together with repairs to Pannier Market roof and installation of solar panels at The Pannier Market, High Street, Barnstaple, Devon EX31 1BL	Also on this agenda	
14215	Proposed removal of existing notice boards and erection of 1 no. new notice board and guildhall sign at The Guildhall, High Street, Barnstaple, Devon, EX31 1BL	Full Planning Approval	10 December 1991
14216	Listed Building Application proposed removal of existing notice boards and erection of 1 no. notice board and guildhall sign at The Guildhall, High Street, Barnstaple, Devon, EX31 1BL	Full Planning Approval	10 December 1991
16346	Listed Building Application proposed internal alterations at The Pannier Market, Butchers Row, Barnstaple, EX31 1BL	LB (Execution Works) Approval	15 December 1992
16124	Listed Building Application proposed internal alterations at The Guildhall, High Street, Barnstaple, EX31 1BL	Full Planning Approval	22 January 1993

Reference Number	Proposal	Decision	Decision Date
21462	Listed Building Application proposed replacement of existing concrete floor with brick pavements at The Pannier Market, Butchers Row, Barnstaple, EX31 1BW	Full Planning Approval	2 April 1996
23500	Listed Building Application proposed covering of existing window on pannier market elevation with toughened glass at The Guildhall, High Street, Barnstaple, EX31 1BL	Full Planning Approval	7 July 1997
26271	Listed Building Application proposed replacement of existing CCTV cameras with new CCTV camera at The Pannier Market, Butchers Row, Barnstaple, EX31 1BW	Full Planning Approval	14 January 1999
26272	Listed Building Application proposed replacement of existing asbestos cement slates with natural slate at The Pannier Market, Butchers Row, Barnstaple, EX31 1BW	Full Planning Approval	26 February 1999
27295	Listed Building Application in respect of creation of mural on north elevation depicting Edwardian pannier market scenes at The Pannier Market, Market Street, Barnstaple	LB (Execution Works) Approval	16 July 1999
29784	Retrospective application in respect of siting of 2 no. Non-illuminated banner signs (amended plans & description) at Queens Theatre, Boutport Street, Barnstaple, EX31 1SY	Advert Approval	12 September 2001
36167	Listed Building Application in respect of siting of sign at The Guild Hall, High Street, Barnstaple, EX31 1BL	LB (Execution Works) Approval	17 November 2003
39339	Listed Building Application for siting of 2 fascia signs & 4 advertising cabinets at Pannier Market, Butchers Row, Barnstaple, EX31 1SY	G.O.S.W. Approval	25 May 2005
39338	Siting of 2 fascia signs & 4 advertising cabinets at Pannier Market, Butchers Row, Barnstaple, EX31 1SY	Advert Approval	2 June 2005
39507	Listed Building Application for internal alterations at 29 High Street, Barnstaple, EX31 1BL	LB (Execution Works) Approval	2 June 2005
40595	Advertisement application for the display of non-illuminated fascia and projecting signs at 29 High Street, Barnstaple, Devon, EX31 1BL	Advert Approval	11 October 2005

Reference Number	Proposal	Decision	Decision Date
39948	Listed Building Application for internal & external alterations together with repairs to roof at Guildhall, Butchers Row / High Street, Barnstaple, EX31 1BW	LB (Execution Works) Approval	10 November 2005
43990	Listed Building Application for removal of hanging sign & siting of non-illuminated lettering at The Guildhall, Butchers Row, Barnstaple, EX31 1BW	LB (Execution Works) Approval	31 May 2007
43991	Removal of hanging sign & siting of non-illuminated lettering at The Guildhall, Butchers Row, Barnstaple, EX31 1BW	Advert Approval	31 May 2007
45165	Siting of non-illuminated lettering at The Guildhall, Butchers Row, Barnstaple, EX31 1BW	Advert Approval	11 February 2008
45173	Listed Building Application for siting of non-illuminated lettering at The Guildhall, Butchers Row, Barnstaple, EX31 1BW	LB (Execution Works) Approval	11 February 2008
48830	Listed Building Application for siting of replacement heritage trail plaque at The Pannier Market, Butchers Row, Barnstaple, EX31 1BW	LB (Execution Works) Approval	18 September 2009
48832	Listed Building Application for siting of replacement heritage trail plaque at The Guild Hall, High Street, Barnstaple, EX31 1BL	LB (Execution Works) Approval	19 October 2009
48159	Listed Building Application for the siting of 3 cigarette bins on external wall at Barnstaple Pannier Market, Butchers Row, Barnstaple, EX31 1BW	G.O.S.W. Approval	17 April 2011
56970	Change of use from A1 to A1 & D2 (Assembly & Leisure) at The Pannier Market, High Street, Barnstaple, Devon, EX31 1BL	Withdrawn	25 March 2014
57408	Application under Regulation 3 of the T & C P General Regulations 1992 for change of use of premises from A1 (Retail) to mixed use A1 & D2 (Assembly & Leisure) at The Pannier Market, High Street, Barnstaple, Devon, EX31 1BL	Full Planning Approval	26 September 2014

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

Constraint / Local Plan Policy	Distance (Metres)
Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	Within constraint
Is a Locally Important Building	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: 1355 EH Ref 1385084 Pannier Market, Butchers Row (north side), Barnstaple	Within constraint
Listed Building Adjacent: 1356 EH Ref 1385100 Church House, Church Lane, Barnstaple	13.64
Listed Building Adjacent: 1370 EH Ref 1385193 No. 11, Joy Street (south side), Barnstaple	13.85
Listed Building Adjacent: 1371 EH Ref 1385194 No. 12 Royal Exchange Public House, Joy Street (south side), Barnstaple	13.21
Listed Building Adjacent: 1375 EH Ref 1385251 Church of St Peter including the Dodridge Library, Paternoster Row (north side), Barnstaple	14.75
Listed Building Adjacent: 1379 EH Ref 1385323 No. 2, St Peter's Terrace, Barnstaple	13.72
Listed Building Adjacent: 1381 EH Ref 1385324 No. 3, St Peter's Terrace (north side), Barnstaple	13.78
Listed Building Adjacent: 1382 EH Ref 1385325 No. 4, St Peter's Terrace (north side), Barnstaple	13.83
Listed Building Adjacent: 1383 EH Ref 1385326 No. 5, St Peter's Terrace (north side), Barnstaple	13.87
Listed Building Adjacent: 1416 EH Ref 1385148 Nos. 26 and 27 (no. 26), High Street (east side), Barnstaple	13.90
Listed Building Adjacent: 1417 EH Ref 1385148 Nos. 26 and 27 (no. 27), High Street (east side), Barnstaple	8.56
Listed Building Adjacent: 1418 EH Ref 1385083 Nos. 1-16 (consecutive), Butchers' Row, Barnstaple	6.34
Listed Building Adjacent: 1419 EH Ref 1385149 No. 29, High Street (east side), Barnstaple	Within constraint
Listed Building Adjacent: 1420 EH Ref 1385150 No. 30, High Street (east side), Barnstaple	3.64
Listed Building Adjacent: 1421 EH Ref 1385151 No. 31, High Street (east side), Barnstaple	11.60
Listed Building Adjacent: 1422 EH Ref 1385152 Nos. 32 and 33, High Street (east side)	17.78
Listed Building Adjacent: 1552 EH Ref 1385165 No. 80 Three Tuns Inn, High Street (west side), Barnstaple	7.77
Listed Building Adjacent: 1553 EH Ref 1385166 Nos. 81 and 82, High Street (west side), Barnstaple	7.93
Listed Building Adjacent: 1554 EH Ref 1385167 No. 83, High Street (west side), Barnstaple	15.17
Listed Building Adjacent: 1555 EH Ref 1385168 No. 84, High Street (west side), Barnstaple	19.59
Listed Building Adjacent: 278 EH Ref 1385054 No. 95 Marshals Public House, Boutport Street (west side), Barnstaple	13.87

Constraint / Local Plan Policy	Distance (Metres)
Listed Building Adjacent: 279 EH Ref 1385054 No. 96, Boutport Street (west side), Barnstaple	18.44
Listed Building Adjacent: 3348 EH Ref 1385188 The Guildhall, High Street (east side), Barnstaple	Within constraint
Listed Building Curtilage (Adjacent to)	6.58
Listed Building: 1355 EH Ref 1385084 Pannier Market, Butchers Row (north side), Barnstaple	Within constraint
Listed Building: 3348 EH Ref 1385188 The Guildhall, High Street (east side), Barnstaple	Within constraint
Unclassified Road	
Use Class: A1 - Shops - A1a - Sale of goods (other than hot food)	Within constraint
Use Class: A3 - Restaurants and Cafes - A3 - Sale of food and drink for consumption on the premises	Within constraint
Use Class: D1 - Non-Residential Institutions - D1g - Public hall or exhibition hall	Within constraint
Use Class: Vacant - vacant - Vacant	Within constraint
USRN: 27500892 Road Class: R Ownership: Highway Authority	4.15
USRN: 27500977 Road Class: R Ownership: Highway Authority	13.93
USRN: 27501032 Road Class: R Ownership: Highway Authority	0.14
USRN: 27504103 Road Class: Q Ownership: Private	4.43
USRN: 27507400 Road Class: G Ownership: Highway Authority	Within constraint
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 Surface Water 1 in 1000	Within constraint
Within:, SSSI 500M Buffer in North Devon, consider need for AQIA if proposal is for anaerobic digester without combustion plant	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
SSSI Impact Risk Consultation Area	Within constraint
Listed Building Grade: II*	
Conservation Area: BARNSTAPLE, TOWN CENTRE	
DM01 - Amenity Considerations DM04 - Design Principles DM07 - Historic Environment	

Constraint / Local Plan Policy	Distance (Metres)
ST02 - Mitigating Climate Change ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Barnstaple Town Council	No comments received at the time of writing the report.
Councillor R Mack	No comments received at the time of writing the report.
Heritage & Conservation Officer Reply Received 18 May 2022	18/05/2022 11:58 - This planning application is related to LBC application 75186 and my comments on that consultation also apply to this. This application is also intended to authorise the PV panels on the roof. I am content that these will not be visible from street level, and so will not impact upon the visual character and appearance of either the building or the surrounding Conservation Area. At the same time, they will act as a source of renewable energy which will allow the building to perform more sustainably.
Historic England Reply Received 9 May 2022	Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/ It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.
Sustainability Officer	No comments received at the time of writing the report.

Neighbours / Interested Parties

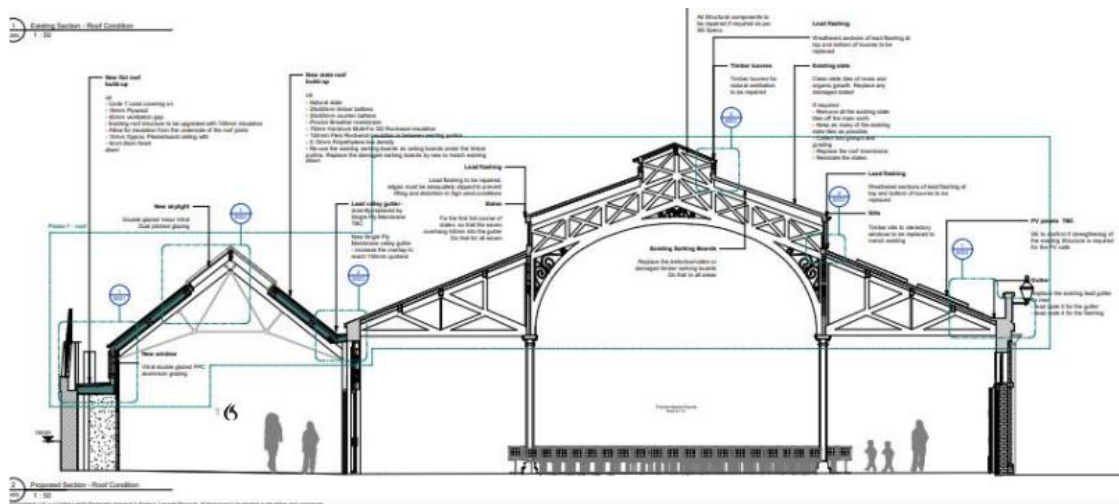
Comments	No Objection	Object	Petition	No. Signatures
0	0	0	0	0

No representations received.

Considerations

Proposal Description

This application seeks detailed planning permission for the installation of solar panels on to the southern roof slope of the Pannier Market. The panels will sit behind the parapet as demonstrated in the extract below.



Planning Considerations Summary

- Design and Heritage Assets
- Sustainable Development

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

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.

The conservation appraisal and management report are also material considerations.

Design and Heritage

Policies ST15 and DM07 seek to conserve and enhance the historic built environment. Policy ST02 promotes opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment;

The National Planning Policy Framework (NPPF) is a material consideration and reflects the above policy context. It goes on to set out that 'when considering the impact of a proposed development on the significance of a designated heritage asset (conservation

areas and listed buildings), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

This is a Grade II Listed Building. Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

The NPPF goes on to state 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 securing its optimum viable use.'

The Conservation Area Management Plan for Barnstaple Town Centre follows on from the Conservation Area Character Appraisal for the town that was adopted in March 2010. The management plan document acts as a reference and guide for all those who make decisions which may impact on the special character of Barnstaple. It states that the roofscape is a prominent part of the conservation area and the roofscape is generally of importance throughout the conservation area. The enclosed streets and height of buildings hides many roof slopes from view from short distances although some can be seen and others can even be considered prominent. The management plan goes on to conclude that the use of traditional roofing materials is an important contribution to the Conservation Area.

The whole area is a good example of how rich, diverse and significant the historic environment of Barnstaple is, and efforts are continually being made, through enforcement, pro-active discussions with owners, and enhancement schemes, to maintain and improve this key area of historic Barnstaple.

The pitched natural slate roof is behind a parapet which will hide the panels from most ground floor views.

The Conservation Officer has advised *"This planning application is related to LBC application 75186 and my comments on that consultation also apply to this. This application is also intended to authorise the PV panels on the roof. I am content that these will not be visible from street level, and so will not impact upon the visual character and appearance of either the building or the surrounding Conservation Area. At the same time, they will act as a source of renewable energy which will allow the building to perform more sustainably."*

Whilst the PV panels introduce a modern feature juxtaposed to the traditional roofing materials that are seen on the site currently they will not be overly visible from outside of the site and are removable once no longer required for generation; thus minimising impacts on the significance of the heritage asset, including the conservation area going forward.

These matters will be considered further in the conclusion below.

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).

Due to the limited nature of the works no unacceptable impact on protected species is identified

Conclusion

Noting the climate change benefit of the scheme, the minimal visibility of the panels and the reversibility of the installation it is concluded that the public benefits of the scheme warrant the support of the proposal which will not unduly impact on the significance of the asset.

The application is considered to accord with the adopted development plan and Duties detailed above preserving the heritage asset. Approval of the application is therefore recommended subject to the imposition of planning 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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Delegate to the Head of Planning, Health and Housing to **APPROVE** at the expiry of the consultation period subject to the imposition of planning conditions.

Legal Agreement Required: No

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
21132-OA-B1-XX-DR-A-2001P3 Location Plan received on the 20/04/22
21132-OA-B1-RF-DR-A-3051P1 Proposed Roof Plan received on the 20/04/22

21132-OA-B1-ZZ-DR-A-5001P1 Proposed Elevations received on the 20/04/22
21132-OA-B1-ZZ-DR-A-4041P1 Proposed Roof Section received on the 20/04/22
(‘The approved plans’).

Reason

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

3. The solar PV equipment shall be removed as soon as reasonably practicable when no longer needed for electricity generation.

Reason

In the interests of heritage assets in accordance with Policies ST15 and DM07 of the adopted North Devon and Torridge Local Plan.

Informatives

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
2. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included consideration of climate change and heritage assets.