



Application Report

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

Application No: 75907
Application Type: NDC reg 3
Application Expiry: 7 November 2022
Extension of Time Expiry:
Publicity Expiry: 12 October 2022
Parish/Ward: BARNSTAPLE/BARNSTAPLE CENTRAL
Location: Kentucky Fried Chicken
47 High Street
Barnstaple
Devon
EX31 1BZ

Proposal: Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for alterations to the ground floor retail unit shop frontage including new retail unit entrance doors and a new separate entrance to upper floor accommodation.

Agent:
Applicant: North Devon Council
Planning Case Officer: Mr M. Brown
Departure: N
EIA Development:
EIA Conclusion:
Decision Level/Reason for Report to Committee (If Applicable): The applicant is North Devon Council

Site Description

This site forms part of the Green Lanes shopping complex with the shopfront the subject of this application fronting on to the High Street. The existing frontage is formed of timber with pilasters on the extremities and a signage fascia above. Brickwork is used for the formation of the walls.

There are a number of listed properties nearby with the site itself also sitting within the Barnstaple Town Centre Conservation Area.

Recommendation

APPROVE subject to the receipt of appropriate amended plans.

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
74616	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 notification by North Devon council for variation of condition 14 of planning consent 2/86/916/4/3 and variation of condition 4 of planning permission 3765 to remove reference to condition 4 of planning permission 2/86/916/4/3 and remove condition 8 of planning permission 1795 and condition 5 of planning permission 20190 in so far its reference to condition 4 of planning permission 2/86/916/4/3 to allow for the shopping centre to be re-classed for designation as commercial, business and service use under Class E (a, b, c, d, e, f, g(i) (amended description) at Green Lanes Shopping Centre, Barnstaple, Devon, EX31 1UL	Awaiting completion of S106	
14896	Proposed change of use from class a1 shop To Class A3 (Food and Drink) plus alteration and extension at 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	5 February 1992
15484	Proposed illuminated replacement signs to entrances to Green Lanes Shopping Centre at Green Lanes Shopping Centre, Barnstaple, EX31 1UJ	Full Planning Approval	17 July 1992
15382	Proposed illuminated fascia and hanging signs at formerly Fosters Menswear, 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	21 August 1992
27100	Change of use of pavement area for the siting of 2 no. Seating areas in connection with Wimpy at Wimpy Bar, 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	7 June 1999
26915	Proposed alterations to existing high street entrance at Green Lanes Shopping Centre, Barnstaple, EX31 1UJ	Full Planning Approval	17 June 1999
27237	Alterations to existing high street entrance at High Street Entrance, Green Lanes Shopping Centre, Barnstaple, EX31 1UG	Full Planning Approval	17 June 1999
30323	Change of use of pavement area for siting of 2 no. Seating areas in connection with wimpy (renewal of planning consent 27100) at Wimpy Bar, 47 High Street, Barnstaple, EX31 1BZ	Full Planning Approval	19 February 2001
26791	Proposed first floor extension to existing shop unit at 4 Green Lanes Shopping Centre, Barnstaple, EX31 1UG	Full Planning +	20 August 2001

Reference Number	Proposal	Decision	Decision Date
		S106 Approval	
30181	Siting of 2 no. Fascia signs & 1 no. Projecting sign (amended description) at Wimpy Bar, 47 High Street, Barnstaple, EX31 1BZ	Advert Approval	22 August 2001
38599	Erection of 4 directory signs on entrance pillars at Green Lanes Shopping Centre, 40 Green Lanes, Barnstaple, EX31 1UL	Advert Approval	7 September 2005
49466	Retrospective application for alterations to shopfront (amended description) at 47 High Street, Barnstaple, Devon, EX31 1BZ	Full Planning Approval	27 January 2010
49467	Retrospective application for siting of replacement non-illuminated fascia signage & one non-illuminated projecting sign (amended description) at 47 High Street, Barnstaple, Devon, EX31 1BZ	Advert Approval	27 January 2010

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: 1425 EH Ref 1385155 No. 44, High Street (east side), Barnstaple	15.45
Use Class: A1 - Shops - A1a - Sale of goods (other than hot food)	Within constraint
Use Class: Vacant - vacant - Vacant	Within constraint
USRN: 27500977 Road Class:R Ownership: Highway Authority	2.57
USRN: 27502148 Road Class:G Ownership: Highway Authority	9.46
USRN: 27505360 Road Class:YFP Ownership: Highway Authority	10.41
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

Constraint / Local Plan Policy	Distance (Metres)
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 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
Conservation Area: BARNSTAPLE, TOWN CENTRE	
DM01 - Amenity Considerations DM04 - Design Principles DM07 - Historic Environment DM22 - Shop Front Design and Signage ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Barnstaple Town Council Reply Received 30 September 2022	30/09/2022 14:33 - RECOMMEND: Approval (4 For, 3 Abs) Cllr York, Cllr J Phillips and Cllr I Roome abstained from voting on this item.
Councillor R Mack	No objection received.
Heritage & Conservation Officer Reply Received 5 October 2022	5/10/2022 14:07 - This application proposes various alterations to the shopfront. I do not consider that this proposal will cause actual harm to the significance of the heritage asset, which is the Conservation area in this case, but I do feel that the proposal could be better designed to reflect the characteristic of symmetry which is evident in the facade. If some slight alterations could be made to address this, it would be a benefit.
Sustainability Officer	No objection received.

Neighbours / Interested Parties

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

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

This site is located in a conservation area and near listed buildings.

The heritage and design policies of the Local Plan seek to secure appropriate design. The policies conclude that proposals which conserve and enhance heritage assets and their settings will be supported.

Design Policies seek good design, whilst Policy DM22 (Shop Front Design and Signage) confirms:-

- (1) Development altering existing and proposing new shop frontages will be supported where:
 - (a) the local character and features of traditional shop fronts are retained and enhanced, the local street scene is conserved and they are appropriate to the design and character of the building on which they are installed;
 - (b) shop fronts and fascia signage relate to individual buildings rather than retail frontages as a whole;
 - (c) excessive signage is avoided; and
 - (d) any security shutters are internally mounted.

The detailed design shows the use of traditional materials which will enhance and preserve the character of the conservation area and building as a whole whilst not impacting on the unlisted buildings significance.

This is reflected by the consultation response of the Conservation Officer which states *“This application proposes various alterations to the shopfront. I do not consider that this proposal will cause actual harm to the significance of the heritage asset, which is the Conservation area in this case, but I do feel that the proposal could be better designed to reflect the characteristic of symmetry which is evident in the facade. If some slight alterations could be made to address this, it would be a benefit.”*

Revisions to address the foregoing have been requested from the applicant. Providing these revisions are secured it is concluded that the scheme will be acceptable in design and heritage terms.

Amenity

No issues identified.

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).

No impact on protected species is identified. Scale of proposal and its nature does not facilitate a requirement for biodiversity enhancements.

Flood Risk and Drainage

No issues.

Highways

No highway safety issues are identified due to the flush fitting nature of the shopfront.

Conclusion

The development will not impact unacceptably on the significance of the heritage asset or building as a whole. Also, it will enable a vacant unit to be brought back in to use. The small loss of ground floor trading area is regrettable, however, given that this will allow for a more sustainable use of the property as a whole it is concluded that the benefits of the scheme outweigh the harm, whilst protecting the vitality and viability of the Town Centre. As such the application is considered to accord with the adopted development plan and Duty set out above, subject revised drawing being submitted. Approval of the application is therefore recommended subject to the imposition of planning conditions and the securing of revised plans improving the design.

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

APPROVE subject to the receipt of appropriate amended plans.

Legal Agreement Required: No

Conditions

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:
502637-P-00 Location Plan received on the 09/09/22
502637-P-01 Site Plan received on the 09/09/22
22031-F112 Proposed Ground Floor Plan received on the 09/09/22
TO BE SUPERSEDED 502637-P-04 Proposed SW Elevation received on the 09/09/22
(‘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 shop front detailing including the pilaster and fascia as shown on the approved plans shall be implemented in full on site prior to the first use of new door.

Reason

In the interests of the appearance of the development, heritage asset and locality in accordance with Policy DM04, DM07 and DM22 of the North Devon and Torridge Local Plan.

4. The development shall be constructed in accordance with the schedule of materials set out on the approved plans.

Reason

In the interests of the appearance of the development and locality in accordance with Policy DM04, DM07 and DM22 of the North Devon and Torridge Local Plan.

Informatives

1. 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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included consideration of design, heritage and the vitality and viability of the town centre.

Inserts

- 1) Location Plan