

Application Report

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

Application No: 75613
Application Type: Listed Building consent
Application Expiry: 20 September 2022
Extension of Time Expiry:
Publicity Expiry: 25 August 2022
Parish/Ward: BARNSTAPLE/ROUNDSWELL
Location: Long Bridge
 The Square
 Barnstaple
 Devon
 EX32 8LN

Proposal: Listed building application for the insertion of an expanding foam seal on the west, east side & the junction of the proposed new flood defence walls

Agent: Mrs Tara Jenkins
Applicant: Mrs Tara Jenkins
Planning Case Officer: Miss C Roissetter
Departure: N
EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Delegated

Site Description

Long Bridge is located within Barnstaple over the River Taw and is a Grade I Listed Building, situated within Barnstaple-Town Centre Conservation Area. The site is visually prominent in the public realm in that it adjoins pedestrian and cycle routes along the River.

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
73606	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC in respect of Hybrid application for full application for the provision of a replacement long stay car park and		

Reference Number	Proposal	Decision	Decision Date
	temporary toleration site & Outline application for 180 dwellings together with all associated infrastructure (additional information) at North Devon Leisure Centre, Seven Brethren Bank Barnstaple Devon EX31 2AP		
74245	Removal of condition 37 (flood defence scheme) attached to planning permission 59837 to allow the condition to be removed from the application. at Land at Anchorwood Bank, Taw Wharf Sticklepath, Devon		
173	Approval of Details: proposed shopping (Class 1 retail non-food) development. (amended application) at Barnstaple Junction Goods Yard, Sticklepath Terrace, Barnstaple, Devon, EX31 2AU	Full Planning Approval	9 December 1987
14724	T & C P Gen Regs 1976 proposed erection of fire escape at North Devon Leisure Centre, Seven Brethren, Barnstaple, EX31 2AP	Full Planning Approval	26 November 1991
18570	Proposed replacement illuminated fascia sign at North Devon Leisure Centre, , Seven Brethren, Barnstaple, EX31 2AP	Full Planning Approval	7 April 1994
23114	Application under Regulation 4 of The T & C P General Regulations 1992 in respect of Outline Application proposed erection of Tennis Centre, Gym Club, Skate Board Park, Roller Hockey Pitch, together with formation of new car park and extension to existing car park (amended description and plans) at land adj. North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	Full Planning Approval	11 February 1997
29354	Extension to provide children's play facilities at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX31 2AP	Full Planning Approval	1 August 2000
31715	1. Siting of 2 No. illuminated canopy signs C & D 2. Siting of 2 No. illuminated wall mounted signs A & B at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX31 2AP	Advert Refusal	12 October 2001
32442	Siting of 2 no. externally illuminated wall mounted signs & 1 no. wall mounted sign with internally illuminated lettering & logo (amended description) at North Devon Leisure Centre, Seven Brethren Bank, Sticklepath, Barnstaple, EX31 2AP	Advert Approval	27 March 2002

Reference Number	Proposal	Decision	Decision Date
34217	County Matter Application - Proposed replacement kiosk to house control & monitoring equipment to adjacent underground pumping station at land on junction of Sticklepath Terrace and access to North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	DCC - Recommend Approval	15 November 2002
36660	Application under Regulation 3 of the T & C P General Regulations 1992 Notification by Devon County Council In respect of proposed provision of a cycleway between the Longbridge and the entrance to the Leisure Centre car park as Stage 1 of a proposal to connect the Longbridge to the Tennis Centre with a parallel route to the road at footpath between Longbridge & North Devon Leisure Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	DCC - Approval	8 March 2004
38249	Application under Regulation 3 of the T & C P General Regulations 1992 in respect of demolition of existing toilet block & erection of new charter toilets at public conveniences, Seven Brethren Bank, Barnstaple, Devon, EX31 2AP	Full Planning Approval	7 September 2004
47650	Development to provide new college building totalling 35,981 sq.m GEA of Class D1 (education) floorspace, associated cycle & disabled car parking, access & landscaping & the re-provision of 267 public car parking spaces (amended description) (amended & additional plans & information) at land fronting River Taw, Seven Brethren Estate, Sticklepath, Barnstaple, Devon, EX31 2AG	Withdrawn	28 December 2011
65277	Listed Building Application for installation of lights to bridge at Long Bridge, The Square, Barnstaple, Devon,	LB (execution works) approval	24 October 2018
65312	Flood defence improvement works comprising the part removal & replacement of a flood wall along the southern bank of the River Taw at open space, Barnstaple, Devon,	Full planning approval	15 November 2018
65329	Listed Building Application for the insertion of an expanding foam seal on the west, east side & the junction of the proposed new flood defence walls at Long Bridge, The Square, Barnstaple, Devon,	Lb (execution works) approval	15 November 2018
74108	Approval of details in respect of discharge of Conditions 4 (CEMP) and 5 (CMP)	Approved	21 October 2021

Reference Number	Proposal	Decision	Decision Date
	attached to planning permission 65312 in respect of Zone 5 (Flood Defence Improvement works comprising the part of removal and replacement of a flood wall along the southern bank)(amended description) at Taw Wharf, Anchorwood Bank, Sticklepath, Barnstaple EX31 2AA		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	Within constraint
Adopted Existing Strategic Footpath/Cycleway:Other Footpath/Cycle Routes	Within constraint
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
Class I Road	
Class I Road	
Historic Landfill Buffer	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Listed Building Adjacent: 1478 EH Ref 1384979 Long Bridge, Barnstaple	11.90
Listed Building Curtilage (Adjacent to)	9.82
Public Right of Way:Footpath 204FP9	Within constraint
Risk of flooding from: Wistlandpound, reservoir with risk level High-risk	Within constraint
Unclassified Road	
USRN: 27501132 Road Class:A Ownership: Highway Authority	3.71
USRN: 27502140 Road Class:A Ownership: Highway Authority	13.68
USRN: 27502141 Road Class:R Ownership: Highway Authority/Private	4.68
USRN: 27504399 Road Class:G Ownership: Highway Authority	7.14
USRN: 27505006 Road Class:G Ownership: Highway Authority	Within constraint
USRN: 27505373 Road Class:YFP Ownership: Highway Authority	Within constraint
Within 50m of Adopted Proposed Footpath/Cycle Route:BAR20(e) Strategic Green Infrastructure Links	Within constraint
Within adopted Development Boundary: Barnstaple South Development Boundary ST06	Within constraint

Constraint / Local Plan Policy	Distance (Metres)
Within Adopted Mixed Use Allocation: BAR13 Seven Brethren	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	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
Listed Building Grade: 1	
DM01 - Amenity Considerations	
DM04 - Design Principles	
DM05 - Highways	
DM07 - Historic Environment	
DM08 - Biodiversity and Geodiversity	
ST03 - Adapting to Climate Change and Strengthening Resilience	
ST14 - Enhancing Environmental Assets	
ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Barnstaple Town Council Reply Received 19 August 2022	RECOMMEND: Approval (NC)
Councillor D Knight	no comments received
Councillor G Lofthouse	no comments received
DCC - Public Rights Of Way	no comments received
Georgian Group	no comments received

Name	Comment
Heritage & Conservation Officer Reply Received 18 August 2022	I do not consider that this proposal will cause harm to the significance of the heritage asset.
Historic England Reply Received 9 August 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.
SPAB	no comments received
Sustainability Officer	no comments received
The Twentieth Century Society	no comments received

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

Considerations

Proposal Description

This application seeks Listed Building Consent for the insertion of an expanding foam sealant between Long Bridge and the new flood defence walls to the South West Bank of the River Taw to prevent ingress behind the new flood walls during high tides. Forms part of the Zone 2 flood defence works, and to aid re-development of the Seven Brethren/Old Leisure Centre site.

The proposed scheme was previously approved in 2018 (ref. 65329) however, the time period for the works to commence has now lapsed and as such this application seeks to renew the previous permission.



Site Photographs

Planning Considerations Summary

- Principle of Development
- Design and Impact on Heritage Asset
- Ecology

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 (NDTLP). 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.

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.

Principle of Development

'Policy ST03: Adapting to Climate Change and Strengthening Resilience Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by:

- (a) locating and designing development to minimise flood risk through:
 - (i) avoiding the development of land for vulnerable uses which is or will be at risk from flooding, and*
 - (ii) managing and reducing flood risk for development where that has wider sustainability or regeneration benefits to the community, or where there is no reasonable alternative site;**
- (b) reducing existing rates of surface water runoff within Critical Drainage Areas;*
- (c) upgrading flood defences and protecting key transport routes from risks of flooding;*
- (d) re-establishing functional flood plains in accordance with the Shoreline Management Plan, Flood Risk Management Plan and Catchment Action Plan;*
- (e) locating development to avoid risk from current and future coastal erosion;*
- (f) adopting effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater;*
- (g) ensuring development is resilient to the impacts of climate change through making effective use of renewable resources, passive heating and cooling, natural light and ventilation;*
- (h) ensuring risks from potential climate change hazards, including pollutants (of air and land) are minimised to protect and promote healthy and safe environments;*
- (i) conserving and enhancing landscapes and networks of habitats, including cross-boundary green infrastructure links, strengthening the resilience of biodiversity to climate change by facilitating migration of wildlife between habitats and improving their connectivity;*
- (j) protecting and integrating green infrastructure into urban areas, improving access to natural and managed green space; and*
- (k) promoting the potential contribution from ecosystem services that support adaptation to climate change.'*

The proposed development is acceptable in principle and is supported provided the design and impact on the heritage asset is considered acceptable.

Design and Impact on Heritage Asset

Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

Policy DM07 (Historic Environment) of the NDTLP states all proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing enhancement, then minimising and mitigating any harm.

Policy ST15 (Conserving Heritage Assets) of the NDTLP states great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by: conserving the historic dimension of the landscape; conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated; identifying and protecting locally important buildings that contribute to the area's local character and identity; and increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

The proposed development includes the insertion of an expanding foam sealant between Long Bridge and the new flood defence walls to the South West Bank of the River Taw to prevent ingress behind the new flood walls during high tides. The design of the new flood wall is considered to be appropriate for its proposed function whilst reflecting the character of the local heritage asset and street scene. Historic England has not raised any objection to the application and the Heritage & Conservation Officer has commented that they do not consider that the proposal would cause harm to the significance of the heritage asset.

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).

Policy DM08 (Biodiversity and Geodiversity) of the NDTLP requires development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.

Policy ST14 (Enhancing Environmental Assets) of the NDTLP aims to protect and enhance northern Devon's natural environment by ensuring that development contributes to providing a net gain in biodiversity where possible.

The proposed development will result in the loss of habitats for local wildlife during the construction of the development. The submitted Ecological Report, comments that the ecological impact would be low despite being close to important ecological receptors and outlines mitigation and compensation measures. The appropriate planning details have been detailed in the submitted plans.

Conclusion

The application is considered to accord with the adopted development plan. 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

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:

NDC002A Location Plan received on the 26/07/22

NDC001 Site Plan received on the 19/07/22

TVO-MS-ZZ-DR-C-0006 S8P1 Location Plan 180725 received on the 13/07/22

TVO-MS-Z2-DR-Z-0020-S8P2 General Arrangement 1 received on the 13/07/22

TVO-MS-Z2-DR-Z-002-S8P2 General Arrangement 2 received on the 13/07/22

TVO-MS-Z2-DR-Z-00230S8P2 Elevation Wall Zone 1 received on the 13/07/22

TVO-MS-Z2-DR-Z-0024-S2P2 Sections Details received on the 13/07/22

Flood Defence Ecology Report Update 0628 Eru Fm June 2018 received on the 19/07/22

('the approved plans').

Reason:

To ensure the works are carried out in accordance with the approved plans in the interests of the heritage asset.

3. The development shall be carried out in accordance with the recommendations in Section 6 as detailed in the Ecology Report prepared by Green Ecology dated June 2018.

Reason:

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of 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).

Informatives

1. This decision does not give or convey any form of consent to any other works other than those specified in the submitted and approved drawings / schedule of works or the alteration or removal of any fixtures or fittings which may require separate specific listed building consent. If any other such works are intended the applicant is advised to contact the Local Planning Authority for advice before commencing these on site.
2. 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.