



Application Report

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

Application No:	76761
Application Type:	NDC Regulation 3
Application Expiry:	7 June 2023
Extension of Time Expiry:	
Publicity Expiry:	27 April 2023
Parish/Ward:	BARNSTAPLE/BARNSTAPLE CENTRAL
Location:	36-37 Boutport Street Barnstaple Devon EX31 1RX
Proposal:	Listed building consent for Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for Change of use and refurbishment of no36 to include coworking spaces offices, erection of 1 wheelchair user dwelling to the rear of no36, erection of 3 bed hostel unit together with workshops on the ground floor of no37 to include erection of 10 flats
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):	Committee - NDC are landowner and applicant.

Site Description

36/37 Boutport Street is located within the centre of Barnstaple. Number 36 is a focal point of Barnstaple town centre at the end of Butchers Row.

To the east of the site is the public car park, Queen Street.

Number 36 Boutport Street, Grade II listed building was built at about 1905. The building has 4 storeys and a retail area to the ground floor.

Both 36 and 37 Boutport Street have fallen out of use, with no. 37 the victim of a fire in 1990 leading to the abandoning of both buildings apart from the retail unit at 36. This fire led to the delisting of 37 from a Grade II Listed building whilst 36 remains Grade II Listed.

To the south of the site is a modern commercial property. To the east is Boutport Street which is fronted by commercial properties and runs North/South. To the north are further

commercial properties in the main whilst to the east is a public car park. Directly to the North East is a vacant plot with residential and commercial uses beyond.



36 Boutport Steet (front)



37 Boutport Street (front)



Rear of application site viewed from Queen Street car park



Aerial view of site

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
76760	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for Change of use and refurbishment of no36 to include coworking spaces offices, erection of 1 wheelchair user dwelling to the rear of no36, erection of 3 bed hostel unit together with workshops on the ground floor of no37 to include erection of 10 flats at 36-37 Boutport Street, Barnstaple Devon EX31 1RX	Also on this agenda	
11046	T. & C.P. Gen Regs 1976. Proposed demolition of building & formation of temporary car park. at car park & land adj., Queen Street, Barnstaple, EX32 7DA	Full Planning Approval	8 March 1990
15927	Listed Building Application proposed demolition of existing buildings at Nos 37 & 37a, Boutport Street, Barnstaple, EX31 1RX	Full Planning Refusal	3 September 1992
16786	Application under Regulation 3 of the T & C P Gen Regs 1992 in respect of continued use of temporary car park (renewal of 11046) at car park & land adj., Queen Street, Barnstaple, EX32 7DA	Full Planning Approval	30 March 1993
17253	Retrospective application in respect of conversion of shop to taxi office at 36 Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	17 August 1993
17254	Retrospective Listed Building Application in respect of conversion of shop to taxi office at 36 Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	17 August 1993
17527	Listed Building Application proposed demolition of façade at nos 37/37a, Boutport Street, Barnstaple, EX31 1RX	Full Planning Refusal	12 October 1993
22032	Application under Regulation 3 of the T & C P General Regs 1992 in respect of formation of temporary car park (renewal of plan per 13302) at car park & land adjoining, Queen Street, Barnstaple, EX32 7DA	Full Planning Approval	11 June 1996
22980	Proposed change of use of existing taxi office and waiting room to form Tourist Information Centre at 36 Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	20 December 1996
22981	Proposed formation of private car park at 37-37a Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	13 January 1998

Reference Number	Proposal	Decision	Decision Date
25212	Proposed installation of new shopfront at La Pizza, 35 Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	13 May 1998
24605	Proposed new shopfront (amended plans) at Barclays Bank PLC, PO Box no 10, 38 Boutport Street, Barnstaple, EX31 1HH	Withdrawn	3 June 1999
30560	Siting of 2 no. illuminated fascia signs & 1 no. non-illuminated projecting sign at Barclays Bank PLC, 38 Boutport Street, Barnstaple, EX31 1HH	Withdrawn	4 April 2001
30932	Conversion of living accomodation into 2 no. dwellings with formation of 4 no dormer windows & demolition of brick chimney stack at, 35 Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	3 May 2001
31166	Advert Application in respect of erection of 3 no. signs at 35 Boutport Street, Barnstaple, EX31 1RX	Advert Refusal	6 July 2001
31623	Retrospective Application in respect of continued use of land as private car park at 37 & 37a Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	21 September 2001
34423	First floor extension above kitchens to existing restaurant at Giovannis, 35 Boutport Street, Barnstaple, Devon, EX31 1RX	Full Planning Approval	8 April 2003
34830	Formation of new doorway to allow disabled access at Barclays Bank PLC, 38 Boutport Street, Barnstaple, EX31 1HH	Full Planning Approval	11 April 2003
35356	Listed Building Application in respect of revision of shop frontage at Tourist Information Office, 36 Boutport Street, Barnstaple, Devon, EX31 1RX	LB (Execution Works) Approval	15 July 2003
36905	Advertisement Application to replace existing fascia & projecting sign at Silver Cod, 47 Bear Street, Barnstaple, EX32 7DB	Advert Approval	1 March 2004
36906	Listed Building Application in respect of replacement of existing fascia & projecting sign at Silver Cod, 47 Bear Street, Barnstaple, Devon, EX32 7DB	LB (Execution Works) Approval	1 March 2004
36014	Outline Application in respect of office, residential and retail development at 48, 49, 50, 50a Bear Street, Barnstaple, EX32 7DB	Finally Disposed Of	17 May 2006
44169	Retrospective Application for continued use of land as private car park at 37-37a Boutport Street, Barnstaple, EX311RX	Full Planning Approval	17 May 2007

Reference Number	Proposal	Decision	Decision Date
48265	Continued use of land as a private car park (renewal of limited period planning permission 44169) at land rear of 37-37a Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	1 June 2009
48994	Conversion of upper floor to form 2 flats at Barclays Bank PLC, 38 Boutport Street, Barnstaple, EX31 1RX	Full Planning Approval	27 October 2009
52778	Renovation & rendering front elevations at 48, 49 & 50b Bear Street, Barnstaple, Devon, EX32 7DB	Full Planning Approval	4 November 2011
55542	Installation of one CCTV camera (primary entrance), installation of one security light (primary entrance) & removal of tile stall riser below ATM at Barclays Bank PLC, 38 Boutport Street, Barnstaple, Devon, EX31 1RX	Full Planning Approval	24 May 2013
58389	Siting of new non-illuminated fascia & projecting signs to front & rear elevations, new housing for ATM machine, new branch nameplate & new safety manifestations (amended description) at Barclays Bank PLC, 38 Boutport Street, Barnstaple, Devon, EX31 1RX	Advert Approval	16 December 2014
58164	Installation of 4 external air conditioning condenser units at Barclays Bank PLC, 38 Boutport Street, Barnstaple, Devon, EX31 1RX	Full Planning Approval	17 December 2014
71120	Replacement of existing window with door & formation of timber steps & landing area at 47 Bear Street, Barnstaple Devon EX32 7DB	Approved	3 April 2020
74232	Siting of 5 non-illuminated foamex boards at 37 Boutport Street, Barnstaple, Devon EX31 1RX	Approved	13 December 2021
76119	Demolition of the existing façade in a Conservation Area at 37 Boutport Street Barnstaple, Devon EX31 1RX	Approved	15 December 2022
76313	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for demolition of a non-listed barn in a conservation area at the rear of 36 Boutport Street at 36 Boutport Street Barnstaple , Devon EX31 1RX	Approved	8 February 2023

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	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
Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Listed Building Adjacent: 249 EH Ref 1385030 No.36, Boutport Street (east side), Barnstaple	Within constraint
Listed Building Adjacent: 278 EH Ref 1385054 No. 95 Marshals Public House, Boutport Street (west side), Barnstaple	17.29
Listed Building Adjacent: 279 EH Ref 1385054 No. 96, Boutport Street (west side), Barnstaple	17.29
Listed Building Adjacent: 652 EH Ref 1384995 No.47, Bear Street, Barnstaple	12.53
Listed Building Curtilage (Adjacent to)	2.10
Listed Building Curtilage (within)	Within constraint
Listed Building: 249 EH Ref 1385030 No.36, Boutport Street (east side), Barnstaple	Within constraint
Use Class: A1 - Shops - A1a - Sale of goods (other than hot food)	Within constraint
Use Class: A2 - Financial and Professional Services - A2b - Professional services (excluding health and medical services)	Within constraint
Use Class: A3 - Restaurants and Cafes - A3 - Sale of food and drink for consumption on the premises	Within constraint
USRN: 27500877 Road Class:C Ownership: Highway Authority	12.74
USRN: 27500892 Road Class:R Ownership: Highway Authority	8.52
USRN: 27501088 Road Class:C Ownership: Highway Authority	12.74
Within adopted Development Boundary: Barnstaple North Development Boundary ST06	Within constraint
Within Adopted District Centre: Barnstaple Town Centre	Within constraint
Within Adopted Town Centre Expansion: BAR11 Queen Street/Bear Street	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

Constraint / Local Plan Policy	Distance (Metres)
Listed Building Grade: II	
Conservation Area: BARNSTAPLE, TOWN CENTRE	
DM04 - Design Principles DM07 - Historic Environment ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Barnstaple Town Council	No objection received.
Councillor R Mack	No objection received.
Heritage & Conservation Officer Reply Received 6 April 2023	<p>6/04/2023 13:01 - Number 36 Boutport Street is a grade II listed building, dating from the beginning of the 20th century, and designed to act as a visual landmark to the east end of Butchers Row. Number 37, adjacent to the south, was built around 20 years earlier, and was, until the late 20th century, an impressive and highly decorative furniture showroom building which was also listed grade II. The majority of the building was destroyed in a fire, and only the facade has remained ever since. This was de-listed in 2013. but does retain some interesting architectural features. Both buildings stand within the Barnstaple Town Centre Conservation Area and do (in the case of 36) and have the potential to (number 37 site) contribute positively to the character and appearance of the Conservation Area.</p> <p>The listed building and adjacent site have been acquired by North Devon Council, and the overall scheme is part of the Future High Street Fund project for the Market Quarter. I have been part of the development team for this project, and remain as the Conservation advisor. In this role, I have made comments throughout the design process, and this advice has been taken on board.</p> <p>In the case of the listed building, close inspection reveals that it has extensive dry and wet rot, and issues with woodworm. Practically, it is not going to be possible to retain all of the historic timberwork, as some is too decayed. The scheme will, however, work on the basis of retaining what is possible to retain, strengthening floor joists and the roof structure, and retaining most of the historic staircase though this has been truncated at the bottom and parts will need to be replaced. The windows are in surprisingly fair condition (apart from those in the gable on the top floor), and these will be retained, with secondary glazing used to improve thermal efficiency. The top floor windows will be replaced with timber sliding sash windows to match existing. The shopfront is modern and not of historic interest. It is to be replaced with a timber shopfront of a slightly different</p>

Name	Comment
	<p>design which better reflects the proportions of the architecture above. The corridor to the north retains its original panelled door to the west, and tiled floor. These will be retained, along with as much of the dado panelling as possible. There is some plain plaster corncicing around the first floor ceiling and this will be retained, along with the surviving kitchen range on the second floor. There are a few internal walls which will be removed - that on the 3rd floor is thought to be a later addition as it is unsupported, just placed over the floorboards, which is now causing a structural issue. On the second floor to the rear, the walls which will be removed are again built over the floorboards and made of hardboard. The single room on the very top floor, the fourth, is to be left largely as is, because this can only be accessed by a very narrow and steep stair, which cannot be bought up to modern safety standards. A lift is proposed to be inserted into the lightwell. This will obviously require some interventions into the historic fabric, but will also allow safe and accessible use of the upper floors.</p> <p>There are, within the scheme, various alterations which will affect the character of the building. Some of these will be beneficial, in that decayed elements will be replaced, historic features repaired, and new facilities installed to allow the building to have a viable function going forward. There is also some loss of historic fabric. Some of this is unavoidable, in that it is too badly decayed to retain. Other elements are needed to adapt the building to its new use. In my role I have tried to keep the degree of loss to a minimum, and to mitigate where possible. I am satisfied that this scheme balances harm with benefit, and am happy to support the application.</p>
Historic England	Comments awaited.
Planning Policy Unit	No objection received.
Sustainability Officer	No objection received.

Neighbours / Interested Parties

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

No representations received.

Considerations

Proposal Description

This application seeks listed building consent for works to a Grade II listed building in a Conservation Area, in conjunction with the associated planning application, for the change of use and refurbishment of no36 Boutport Street to include coworking spaces offices, erection of 1 wheelchair user dwelling to the rear of no36, erection of 3 bed hostel unit together with workshops on the ground floor of no37 to include erection of 10 flats above.

This project aims to rejuvenate the section of Boutport Street, connecting the Queen Street Car Park to Butchers Row with a new pedestrian route. The scope for the project includes:

-

- Structural timber repairs to no. 36 This will include detailed information about the proposed repairs to no. 36, including materials used, methods of construction, and the potential impact on the building. A number of surveys and structural reports have helped to ensure that any proposed structural timber repairs to no. 36 are compliant with relevant regulations and codes of practice. They also identify any potential risks associated with the project, providing informed decision-making. –

- Watertight the Grade II Listed Building. The current dilapidated aspect of the building requires some repair works, particularly to the roof, to make watertight the building, avoiding any further damage. –

- Change of use to no 36: Restaurant Café to ground floor and coworking/office spaces above No.36 will be a mixed-use development that provides access to a restaurant and café on the ground floor, with coworking and office spaces on the floors above. The alterations to the existing building have been designed to provide accessibility to all users. This includes wheelchair access, level thresholds, accessible routes, lift facilities and safe evacuation in case of an emergency. –

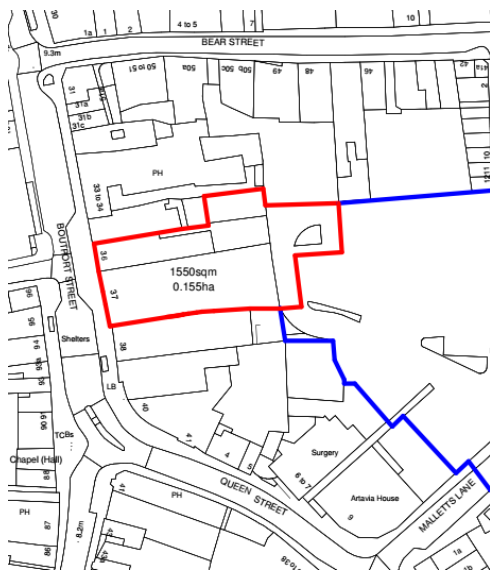
- New wheelchair accessible dwelling and a hostel at the rear of no.36 The new wheelchair accessible dwelling in the town centre with associated parking space. The hostel is intended for short term let for visitors.

- New workshops on the ground floor and flats on the floor above to no.37 No. 37 is an exciting new development in the area which offers workshops on the ground floor and flats above. This development is designed to bring a boost to the local economy while also providing an opportunity for people to live and work in one place. It offers a unique chance for people to create their own business or live in the town centre. With its prime location, plenty of space, and potential for business growth, No. 37 could become one of the most popular places in town!

- Public realm that connects Butchers Row with Queens Street Carpark. Butchers Row and Queens Street Carpark are two focal points in Barnstaple. Connecting these with a new pedestrian route through 37 Boutport Street will invite people to the town centre and spend time in the new market quarters and the new workshops on 37. This connection is an ideal spot for people to gather and socialize in the historic centre of Barnstaple.

The proposed residential accommodation comprises:-

Residential GIA		
Name	Comments	Area
Unit 1	1B-2P (Acc.)	70.6 m ²
Unit 2	1B-2P	52.3 m ²
Unit 3	1B-2P	50.1 m ²
Unit 4	2B-3P	70.0 m ²
Unit 5	1B-2P	54.4 m ²
Unit 6	1B-2P	53.1 m ²
Unit 7	1B-2P	51.7 m ²
Unit 8	1B-2P	52.9 m ²
Unit 9	3B-6P	103.3 m ²
Unit 10	2B-3P	59.4 m ²
Unit 11	Hostel	84.8 m ²



Location Plan



Proposed uses schematic



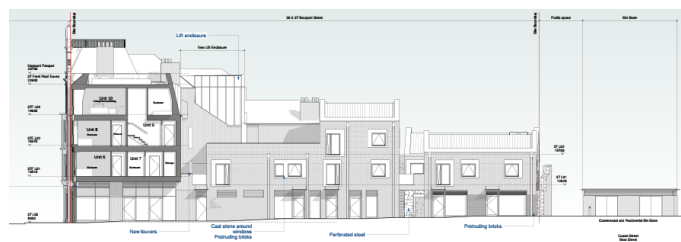
Proposed Boutport Street elevations



Proposed Queen Street car park elevations



Ground floor plan/layout



Southern street scene elevation

Planning Considerations Summary

- Design/Heritage
- 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.

Principle of Works

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.

Design/Heritage

Policy ST04 of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 of the Local Plan encourages good design and ensures that development proposals should 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; reinforce the key characteristics and special qualities of the area in which the development is proposed; and contributes positively to local distinctiveness, historic environment and sense of place.

Policy ST15 (Conserving Heritage Assets) states that great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:

- (a) conserving the historic dimension of the landscape;
- (b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated;
- (c) identifying and protecting locally important buildings that contribute to the area's local character and identity; and
- (d) increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

Policy DM07 (Historic Environment) of the Local Plan states that 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, then minimising and mitigating any harm. In addition policy DM07 ensures that proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.

The heritage considerations of the Local Plan accords with the aims and objectives of the National Planning Policy Framework (NPPF). In particular, Paragraph 194 states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”. Also, paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, ‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’. Paragraph 202 confirms 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, where appropriate, securing its optimum viable use

The Conservation Officer advises that :-

“Number 36 Boutport Street is a grade II listed building, dating from the beginning of the 20th century, and designed to act as a visual landmark to the east end of Butchers Row. Number 37, adjacent to the south, was built around 20 years earlier, and was, until the late 20th century, an impressive and highly decorative furniture showroom building which was also listed grade II. The majority of the building was destroyed in a fire, and only the facade has remained ever since. This was de-listed in 2013. but does retain some interesting architectural features. Both buildings stand within the Barnstaple Town Centre Conservation Area and do (in the case of 36) and have the potential to (number 37 site) contribute positively to the character and appearance of the Conservation Area.

The listed building and adjacent site have been acquired by North Devon Council, and the overall scheme is part of the Future High Street Fund project for the Market Quarter. I have been part of the development team for this project, and remain as the Conservation advisor. In this role, I have made comments throughout the design process, and this advice has been taken on board.

In the case of the listed building, close inspection reveals that it has extensive dry and wet rot, and issues with woodworm. Practically, it is not going to be

possible to retain all of the historic timberwork, as some is too decayed. The scheme will, however, work on the basis of retaining what is possible to retain, strengthening floor joists and the roof structure, and retaining most of the historic staircase though this has been truncated at the bottom and parts will need to be replaced. The windows are in surprisingly fair condition (apart from those in the gable on the top floor), and these will be retained, with secondary glazing used to improve thermal efficiency. The top floor windows will be replaced with timber sliding sash windows to match existing. The shopfront is modern and not of historic interest. It is to be replaced with a timber shopfront of a slightly different design which better reflects the proportions of the architecture above. The corridor to the north retains its original panelled door to the west, and tiled floor. These will be retained, along with as much of the dado panelling as possible. There is some plain plaster cornicing around the first floor ceiling and this will be retained, along with the surviving kitchen range on the second floor. There are a few internal walls which will be removed - that on the 3rd floor is thought to be a later addition as it is unsupported, just placed over the floorboards, which is now causing a structural issue. On the second floor to the rear, the walls which will be removed are again built over the floorboards and made of hardboard. The single room on the very top floor, the fourth, is to be left largely as is, because this can only be accessed by a very narrow and steep stair, which cannot be brought up to modern safety standards. A lift is proposed to be inserted into the lightwell. This will obviously require some interventions into the historic fabric, but will also allow safe and accessible use of the upper floors.

There are, within the scheme, various alterations which will affect the character of the building. Some of these will be beneficial, in that decayed elements will be replaced, historic features repaired, and new facilities installed to allow the building to have a viable function going forward. There is also some loss of historic fabric. Some of this is unavoidable, in that it is too badly decayed to retain. Other elements are needed to adapt the building to its new use. In my role I have tried to keep the degree of loss to a minimum, and to mitigate where possible. I am satisfied that this scheme balances harm with benefit, and am happy to support the application.”

The final comments of Historic England with regard to the scheme are awaited, however they are aware of the Future High Street scheme and as such it is hoped they will be supportive overall.

Conclusion on Design and Heritage

Notwithstanding that the comments of Historic England are outstanding it is concluded that the scheme, as being considered, introduces a design and interesting palette of materials which will sit within the townscape and associated heritage assets, resulting in a modern design, which will not dominate and be of a design that is of a positive contrast to the existing built form to the benefit of the area; Ensuring that a heritage asset is brought into a viable use with minimised interventions resulting in overall public benefit. This is subject to conditions controlling materials, if permission is granted.

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).

Conclusion

The proposed works to the site represent an opportunity for a new, integrated and viable use for the site supporting a Listed Building in a Conservation Area; and of course the wider Future High Streets initiative.

We are therefore in a position whereby the Local Planning Authority need to weigh the remaining harm caused to the heritage asset against the public benefits of the scheme as per the requirements of the NPPF at paragraph 202.

In the positive the scheme will provide much-needed housing. There will also be economic benefits during the construction phase of the development and through the commercial operations at the site.

In the positive the scheme will also provide for a net gain in biodiversity.

In the negative there will be some limited impact to the setting of heritage assets.

Given the need for housing and to secure a viable use which will regenerate a site with limited impacts on heritage assets it is concluded that great weight has to be placed on the public benefits of the scheme outweighing the disbenefits. The application is therefore considered to accord with the adopted development plan and Duty detailed above.

It is therefore recommended that approval of the Application be delegated to the Head of Planning, Housing and Health subject to Historic England not objecting to the scheme and 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

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

Recommended that approval of the Application be delegated to the Head of Planning, Housing and Health subject to Historic England not objecting to the scheme and subject to the imposition of conditions.

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:
21132 OA BE ZZ DR A 2100P3 Location Plan received on the 23/02/23
21132 OA B3 XX DR A 2111P3 Proposed Site Plan received on the 23/02/23
21132 OA B3 ZZ DR A 5005P3 Proposed Elevation Rear Unit received on the 23/02/23
21132 OA B3 ZZ DR A 5004P3 Proposed North Internal Street Scene received on the 23/02/23
21132 OA B3 ZZ DR A 5003 P3 Proposed South Internal Street Scene received on the 23/02/23
21132 OA B3 ZZ DR A 5002P5 Proposed East Elevation received on the 23/02/23
21132 OA B3 ZZ DR A 5001P5 Proposed West Elevation received on the 23/02/23
21132 OA B3 XX DR A 4003P3 Proposed Sections received on the 23/02/23
21132 OA B3 XX DR A 4002P3 Proposed Sections received on the 23/02/23
21132 OA B3 XX DR A 4001P3 Demolition Sections received on the 23/02/23
21132 OA B3 03 DR A 3043P12 Proposed Third Floor Plan received on the 02/03/23
21132 OA B3 RF DR A 3045P8 Proposed Roof Plan received on the 02/03/23
21132 OA B3 01 DR A 3041P12 Proposed First Floor Plan received on the 02/03/23
21132 OA B3 00 DR A 3040P15 Proposed Ground Floor Plan received on the 02/03/23
21132 OA B3 RF DR A 3035P3 Demolition Roof Plan received on the 23/02/23
21132 OA B3 04 DR A 3034P3 Demolition Fourth Floor Plan received on the 23/02/23
21132 OA B3 03 DR A 3033P3 Demolition Third Floor Plan received on the 23/02/23
21332 OA B3 02 DR A 3032P3 Demolition Second Floor Plan received on the 23/02/23
21332 OA B3 01 DR A 3031 P3 Demolition First Floor Plan received on the 23/02/23
21332 OA B3 00 DR A 3030P3 Demolition Ground Floor Plan received on the 23/02/23
21132 OA B3 XX DR A 3070P3 Proposed Class Uses received on the 23/02/23
21132 OA B3 XX DR A 1096P4 Shopfront Design Options received on the 23/02/23
21132 OA B3 O4 DR A 3044P9 Proposed Fourth Floor Plan received on the 02/03/23
21132 OA B3 O2 DR A 3042P12 Proposed Second Floor Plan received on the 02/03/23
(‘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 existing brackets and tiles shown as to be incorporated into the works as shown on the approved plans shall be installed prior to the first use of the building and retained in situ thereafter.

Reason:

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

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.

INSERTS

Location Plan