



Application Report

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

Application No:	76910
Application Type:	Variation of Condition(s)
Application Expiry:	30 June 2023
Extension of Time Expiry:	30 June 2023
Publicity Expiry:	9 June 2023
Parish/Ward:	BARNSTAPLE/ROUNDSWELL
Location:	Police Station Seven Brethren Bank Barnstaple Devon EX31 2AS
Proposal:	Variation of condition 3 attached to planning permission 71459 (Change of use of building to an operational police station together with four ancillary buildings) to allow for a time extension of an additional five years
Agent:	Peter Thomas
Applicant:	Police and Crime Commissioner for Devon and Cornwall
Planning Case Officer:	Miss S. May
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	North Devon Council own the site.

Site Description

The building is on the Seven Brethren employment estate and is accessed from the estate's road network. It is opposite what used to be the old Leisure Centre and is in close proximity to the short and long stay car parks. Pedestrian access from the Town Centre is via the Long Bridge.

As currently operated, the Police Station is operational 24hrs a day, 365 days a year. The building is primarily clad (dark grey profiled sheeting) with some limited areas are brick finished around the pedestrian entrances. Public access is facilitated by a Public Enquiry Office located on the ground floor. The first floor of the premises is used as an open plan office. Custody facilities are provided within a self-contained unit with the site, with a secure perimeter fencing.

The site has 14 parking spaces.



Public Enquiry Office to south west with ancillary buildings housing cycle store & welfare unit



Parking area to south west of site with self-contained portacabin housing Custody facilities



Set within employment estate



Two storey building with first floor used as open plan offices



Aerial view of site

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
15667	Proposed construction of 2 No.fire escapes at Totem Timber, Seven Brethren Ind. Estate, Barnstaple, EX31 2AS	Full Planning Approval	13 July 1992
28052	Erection of 2 No. maintenance buildings at Chapple Rentals Ltd, Seven Brethren Bank, Sticklepath, Barnstaple, EX31 2AS	Full Planning Approval	17 November 1999
37787	Change of use from Plant Hire to Light Industrial at ex Chapple Rentals Unit, Seven Brethren Industrial Estate, Barnstaple, EX31 2AS	Full Planning Approval	20 July 2004
70677	Change of Use from B2 (General Industrial) to D1 (Nursery) at Barum Auto Parts Ltd , Seven Brethren Bank Barnstaple, Devon EX31 2AS	Withdrawn Invalid	28 October 2019
71459	Change of use of building to an operational police station together with the erection of four ancillary buildings at Unit 1B (Formerly Barum Autoparts) Seven Brethren Bank, Barnstaple Devon EX31 2AS	Approved	10 June 2020

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
Historic Landfill Buffer	Within constraint
Land is potentially contaminated, site was used for:Factory or works - use not specified, Is ranked:MEDIUM, Year:1992	Within constraint
Land is potentially contaminated, site was used for:Heap, unknown constituents, Is ranked:MEDIUM, Year:1964	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Risk of flooding from: Wistlandpound, reservoir with risk level High-risk	Within constraint
Unclassified Road	
USRN: 27502141 Road Class:R Ownership: Highway Authority/Private	14.45
USRN: 27505050 Road Class:R Ownership: Highway Authority/Private	6.39

Constraint / Local Plan Policy	Distance (Metres)
Within adopted Development Boundary: Barnstaple South Development Boundary DM04	Within constraint
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:, 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
BAR - Barnstaple Spatial Vision and Development Strategy BAR13 - Seven Brethren DM01 - Amenity Considerations DM02 - Environmental Protection DM02 - Environmental Protection DM03 - Construction and Environmental Management DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM13 - Safeguarding Employment Land DM19 - Town and District Centres ST01 - Principles of Sustainable Development ST03 - Adapting to Climate Change and Strengthening Resilience ST05 - Sustainable Construction and Buildings ST11 - Delivering Employment and Economic Development ST12 - Town and District Centres	

Consultees

Name	Comment
Arboriculture Officer	Response awaited.
Barnstaple Town Centre Manager	Response awaited.
Barnstaple Town Council Reply Received 21 April 2023	21/04/2023 11:35 - Barnstaple Town Council, Planning & Transportation Committee on 20th April 2023 made the following recommendation: RECOMMEND: Approval (NC)

Name	Comment
Building Control Manager Reply Received 18 May 2023	18/05/2023 11:34 - We still are awaiting information from the original conversion work.
Councillor D Knight	No response received.
Councillor G Lofthouse	No response received.
Economic Regeneration Officer	Response awaited.
Environmental Health Manager	Response awaited.
Open Space Officer	Response awaited.
Place, Property and Regeneration	Response awaited.
Planning Policy Unit	Response awaited.
Sustainability Officer	Response awaited.
Devon County Highways	No comment.

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 the variation of condition 3 attached to planning permission 71459 (Change of use of building to an operational police station together with four ancillary buildings) to allow for a time extension of an additional five years from 2025 to 2030.

This would allow the retention of:

- Desk space for personnel
- Parking for 12 operational vehicles, 2 vans, motorcycle, and storage areas
- Partnership Rooms, Interview and separate Meeting and Briefing Areas
- Ancillary accommodation including Staff Rest areas, Locker Rooms, and Shower/WC/Drying facilities and equipment and storage facilities
- Secure compound

The premises are operational 24hrs a day, 365 days a years. Public access will be facilitated by a Public Enquiry Office located on the ground floor. The first floor would retained as open plan offices.

Custody facilities would be retained as self-contained unit within the site, with secure perimeter fencing.

Condition 3 states:

The use hereby permitted and the siting of the custody suite shall be discontinued and the site restored to its former condition and the custody suite shall be removed on or before 30th June 2025.

Reason:

To enable the Local Planning Authority to maintain control of development which is required for a temporary period to allow an essential public service to continue to operate in the Town and to safeguard the functioning of the highway network on a site with limited car parking in an area where adjacent car parking may be developed in line with BA12 and DM06 of the North Devon and Torridge Local Plan.

Planning Considerations Summary

- History relating to site
- Principle
- Design
- Amenity
- Ecology
- Flood Risk
- Highways

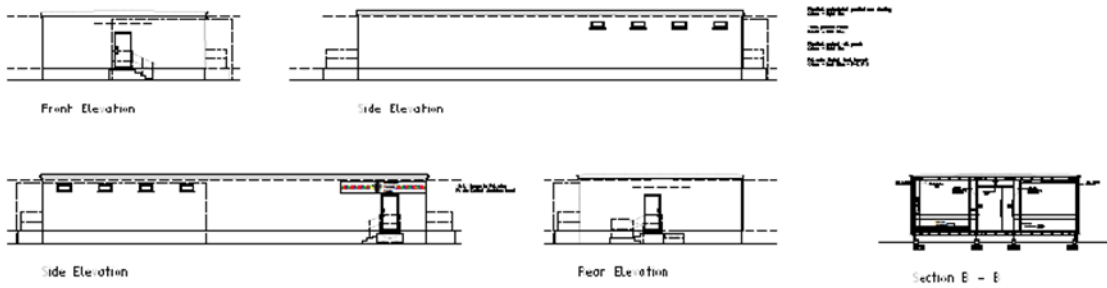
Planning Considerations

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.

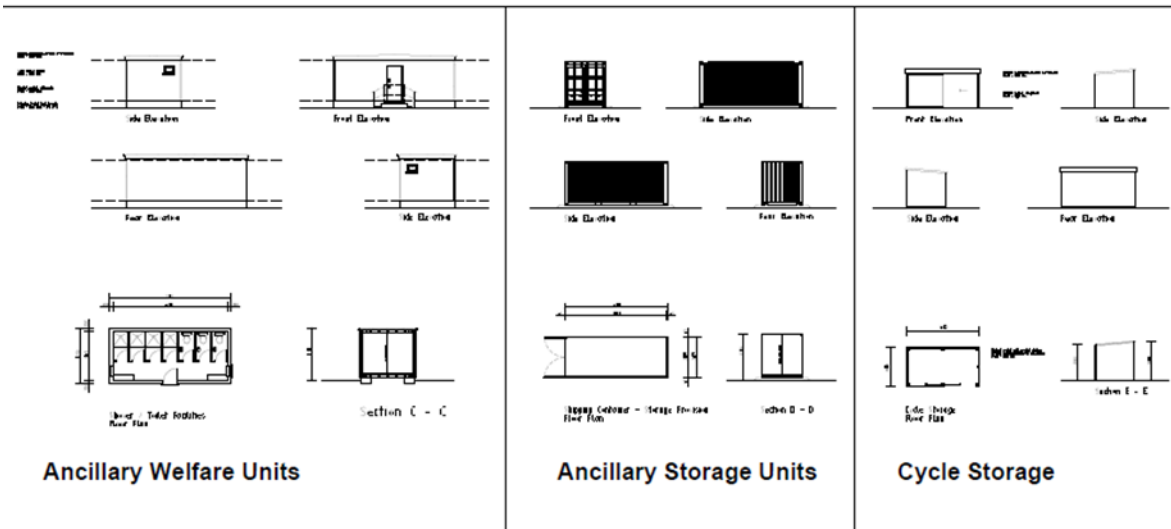
The National Planning Policy Framework (NPPF) is a material consideration.

History relating to site

In June 2020 planning permission was granted under 71459 for the change of use of the existing building to an operational police station for a temporary period of 5 years. As part



Custody Facility



Ancillary facilities as approved under 71459

Principle

The principle of development was established in planning approval 71459 which stated:

The site is within the defined development boundary for Barnstaple where the principle of development is normally supported in accordance with Policies ST06 and DM12. DM12 states that economic development will be supported on existing and allocated employment land within development boundaries provided that there is no undue detriment to residential amenity, public highway users, town centre vitality, landscape character and the environment generally and that the development has an adequate and safe access and does not give rise to excessive or inappropriate traffic and will contribute to the general aim of reducing the need to travel by private car. In terms of the Local Plan, economic development is defined as 'including those within B use classes, public and community uses and main town centre uses (excluding housing development)'.

Policy BAR13 of the adopted Local Plan supports the regeneration and environmental enhancement of Seven Brethren to deliver new economic development, recreation and leisure uses, including enhanced pedestrian and cycle links along the river frontage between the Longbridge and the iron bridge.

As set out in the Planning Policy response there is no policy objection in principle to the temporary change of use of the existing building to an Operational Patrol Base and Custodial Facility for Devon & Cornwall Constabulary.

Design

No changes are being made to the design which was approved under 71459.

Both Section 12 of the NPPF and Policy DMO4 of the NDTLP support good design and the integration of new development into the natural, built and historic environment. The application is primarily a change of use of an existing building with limited alterations to its external appearance.

The main visual change will be the siting of a portable building to be used for custodial purposes. The custodial building will be sited to the rear of the car parking area and will have limited impact on the street scene.

This structure will only be on site for the extent of time that the police require the premises and any harm that results will be short term.

The site will be enclosed by a 1.8 m mesh fence. Again this is not an ideal feature in the public realm but is an operational necessity for the police and within the context of the employment estate is acceptable.

Amenity

Policy DM01 of the NDTLP states that development will be supported where there is no significant harm to the amenities of neighbouring occupiers and the intended occupants of the proposed development. In this instance given the context of the site, there are no amenity issues with the proposal.

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).

The need for an ecology report has not been triggered in this instance.

Flood risk and drainage

The previous committee report commented:

The site is within Flood Zone 3, where there is a high probability of flooding. The final part of the flood protection works associated with Anchorwood bank have yet to be undertaken. Police Stations fall within a 'Highly Vulnerable' class within the EA's risk assessment.

PPS25 previously advised that a sequential approach to land use in terms of flood risk is applied. This means allowing development in high risk areas only if lower risk areas are not suitable and appropriate measures to mitigate against flood risk are already present or shall be employed. It should be noted that paragraph 164 of the NPPF (February 2019) no longer requires development for a change of use to be subject to the sequential or exception tests. All issues around flooding should be in accordance with Policy ST03 of the adopted Local Plan and the consultation response of the Environment Agency

The FRA argues that the use is 'of a temporary nature, and that future proposals are to be progressed for permanent location outside the Flood Risk Area'. The FRA argues that 'the property is considered essential to serve the local community....The conversion of the existing vacant of the building are considered sustainable development...

The proposed development is for the change of use of existing ground floor areas to be provided as office accommodation for use as Police Response Base, the existing use is redundant and is therefore classified as brownfield site. There will be no significant increase in risk of flooding compared to the existing situation.

The FRA argues that it can be demonstrated that the proposals are safe where additional measures taken to ground floor area to limit damage.

Measures to limit damage

- *Flood board guides to be provided at Entrance doors.*
- *Materials used within the Entrance area shall water resistant.*
- *Incoming Electrical services are to be located at high level, (already provided)*
- *Any existing low level electrical sockets and switched spurs shall be raised to a level above the anticipated flood level.*
- *Where gas meters are to be installed, these shall be proposed at high level.*
- *Water supply pipework insulation shall be provided with closed cell resistant materials*
- *Incoming Telecom services shall be provided at high level. (already provided)*

The Police have indicated that where required by either the Planning Authority or Environment Agency emergency evacuation plans will be provided within the management plan of the premises in order that adequate flood warnings and evacuation plans are maintained. Until the delivery of the flood defence works for Seven Brethren this is recommended. An advisory note has been applied.

A revised Flood Risk Assessment by RMA Environmental accompanies the application to assess the flood risk of the site. This demonstrates that the proposed development will be safe and that it would not increase flood risk elsewhere.

The police station is classified as a land use that is 'highly vulnerable' to flooding which is not considered to be appropriate within Flood Zone 3. The building and proposed access would be defended for the lifetime of the development and, the report comments that the police station could remain operational. If personnel had to evacuate, in accordance with a pre-agreed evacuation plan, everybody on site can be evacuated to other police facilities in the area.

In the unlikely event of a breach or failure of the flood defences, only a small section of the site would be affected by flood water to a depth of 500mm and this is restricted to the boundaries; the buildings would remain unaffected. The Planning Statement submitted with the application comments that a flood evacuation plan would be prepared and made available to all police station staff...an advisory would be imposed on the grant of approval.

Furthermore, the building would not be affected during a breach event; however, the police station would need to be evacuated during a breach/failure of the defences as the access/egress route would flood. A breach event has a very low likelihood of occurring and is a residual risk.

Highways

The previous committee report commented:

Paragraph 10.67 of the Local Plan recognises that the existing 'configuration of car parking, dropping off and picking up points for buses, coaches and taxis around Barnstaple railway station as well as vehicular traffic movements in the surrounding area causes conflict between users'. These existing problems should not be exacerbated by this proposed use which has the potential to greatly increase the level of traffic movements over and above the existing use as a sales and distribution centre for car parts.

Policy DMO5 of the NDTLP states that all development should ensure safe and well-designed vehicular access, adequate parking and protect and enhance any public rights of way, footways and other connections. In respect of pedestrian access, the building is only a short walk from the Town Centre and from public transport points.

The impact on the highway network is likely to be neutral given the existing use and the fact that this is a relocation of a facility from 0.7 miles away. The Highway Authority raise no issues of concern. 14 car parking spaces are shown. Given the proximity of both the short and long stay car parks, there is adequate space for vehicles visiting the police station and for staff to park clear of the highway. The roads around the site have double yellow lines so any parking on the highway would be the subject of enforcement. In that the Police deal with highway safety as one of their roles it is considered that they would reasonably manage their staff so that their usage did not result in an issue.

The lack of on-site car parking means that this site is not sustainable in the long term for the permanent relocation of the police station and hence a temporary permission is recommended so that the impact on traffic flows and car parking can be reassessed.

Devon County Highways have raised no objections to this application.

Conclusion

The Police require a further temporary period to be secured. Whilst a Town Centre location would be preferable an alternative site has not been identified. As this is sequentially the next available location and as there is good pedestrian access to the Town Centre and adequate access to car parking, the public access part of the police function could reasonably be delivered from this locality. 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. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
087-001-005 Site Location Plan received on the 23/03/23
087-001-003A Proposed Floor Plans received on the 23/03/23
087-001-004A Proposed Elevations and Section received on the 23/03/23
087-001-005 Proposed Ancillary Accommodation received on the 23/03/23
(‘the approved plans’).

Reason:

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

2. The use hereby permitted and the siting of the custody suite shall be discontinued and the site restored to its former condition and the custody suite shall be removed on or before 30th June 2030.

Reason:

To enable the Local Planning Authority to maintain control of development which is required for a temporary period to allow an essential public service to continue to operate in the Town and to safeguard the functioning of the highway network on a site with limited car parking in an area where adjacent car parking may be developed in line with BA12 and DM06 of the North Devon and Torridge Local Plan.

Informatives

1. Flood Resilience

It would also be advisable for the applicant to prepare a flood plan which outlines how the Police will respond to a flood. Further advice on this can be found in the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/292937/LIT_5284_ab06c2.pdf

It is recommended that the applicant registers with the Environment Agency’s flood warning service at:

<https://www.gov.uk/sign-up-for-flood-warnings>

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 considering the impact of the use on the Town Centre and car parking demands.