

Application Report

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

Application No: 78385
Application Type: Full Application
Application Expiry: 24 April 2024
Extension of Time Expiry:
Publicity Expiry: 2 May 2024
Parish/Ward: BARNSTAPLE/BARNSTAPLE CENTRAL
Location: Former Shopmobility Centre
Albert Lane
Barnstaple
Devon
EX32 8RL

Proposal: Change of use to provide day care centre including internal alterations and 2 small extensions

Agent: Miss Leanne Barlow
Applicant: Age Concern Barnstaple & North Devon
Planning Case Officer: Mrs B. Coles
Departure: N
EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Committee
The building is owned by North Devon District Council

Site Description

The site is a single storey building with gabled entrance canopy and hipped roof situated adjacent to Barnstaple Bus Station. The site is the former shop-mobility Centre and has red brick walls and green framed windows and doors. The main entrance faces onto Albert Lane.



Front of Building



Rear of building

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
78/0018/04/03	PROPOSED CAR PARK (RENEWAL OF 76/1953/04/03) at LP7800180403, SILVER STREET, , BARNSTAPLE, , DEVON,	APPROVE - WITH CONDITIONS	13 April 1978
15705	T & C P GEN REGS 1976 DEMOLITION OF EXISTING BUILDING TOGETHER WITH CLOSURE OF EXISTING ROAD TO FORM EXTENSION TO EXISTING CAR PARK TOGETHER WITH ALTERATIONS TO LAYOUT OF CAR PARK. at THE SQUARE CAR PARK, 32/34 TRINITY STREET, BARNSTAPLE, EX32 8RL	FULL PLANNING APPROVAL	27 January 1993
24917	OUTLINE APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 NOTIFICATION BY DEVON COUNTY COUNCIL IN RESPECT OF PROPOSED FORMATION OF NEW BUS STATION INCLUDING DEMOLITION OF 32-34 TRINITY STREET at THE SQUARE CAR PARK, QUEEN STREET, BARNSTAPLE, EX328RL	FULL PLANNING APPROVAL	18 March 1998
25076	APPROVAL OF DETAILS APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 NOTIFICATION BY DEVON COUNTY COUNCIL IN RESPECT OF FORMATION OF NEW BUS STATION INCLUDING DEMOLITION OF 32-34 TRINITY STREET (AMENDED PLANS) at THE SQUARE CAR PARK, QUEEN STREET, BARNSTAPLE, EX328RL	FULL PLANNING APPROVAL	15 September 1998
31155	EXTENSION TO EXISTING SHOPMOBILITY CENTRE at SHOPMOBILITY CENTRE, ALBERT LANE, , , BARNSTAPLE, EX328RL	FULL PLANNING APPROVAL	6 July 2001

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
Land is potentially contaminated with: Potential Tanks	15.45
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: 27500841 Road Class:R Ownership: Highway Authority	3.02
USRN: 27501116 Road Class:R Ownership: Highway Authority	4.28
USRN: 27503988 Road Class:Q Ownership: Private	7.97
Within adopted Development Boundary: Barnstaple North Development Boundary DM04	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

DM01 - Amenity Considerations

DM04 - Design Principles

DM05 - Highways

DM06 - Parking Provision

DM07 - Historic Environment

DM08 - Biodiversity and Geodiversity

DM19 - Town and District Centres

ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres

ST12 - Town and District Centres

ST14 - Enhancing Environmental Assets

ST15 - Conserving Heritage Assets

Consultees

Name	Comment
Barnstaple Town Council Reply Received 22 March 2024	RECOMMENDATION: To approve but that consideration should be taken over the robustness and suitability of the materials being used to the extension to prevent anti-social behaviour and fire risk. Suggesting a brick facade to match the existing building. (4 for, 3 abstain).
Councillor S Jusef Reply Received 11 April 2024	No comments received.
Environmental Health Manager Reply Received 7 March 2024	In regards of the planning consultation for 78385, Environmental Protection have no objections or advisories to bring forward.
Heritage & Conservation Officer Reply Received 11 April 2024	I do not consider that this proposal will cause harm to the significance of the heritage asset.

Neighbours / Interested Parties

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

No neighbour representations have been received and no comments following the display of the site notice.

Considerations

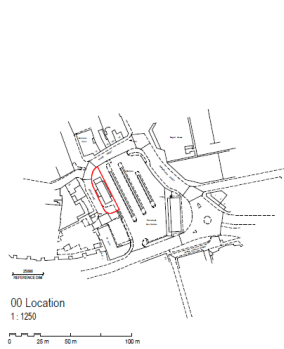
Proposal Description

This application seeks detailed planning permission for two small extensions to a former shop mobility store in order to change the use to provide a day-care centre for older and vulnerable people in the North Devon District with both uses being within the same Class E Use Class

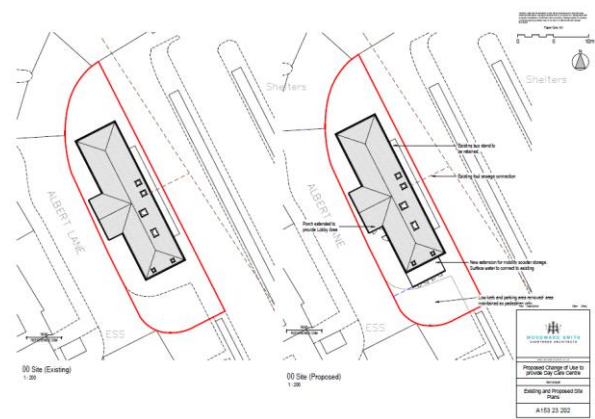
The proposed small extensions to the existing single storey building will provide storage for mobility scooters and wheelchairs and provide an enclosed entrance porch for further scooter/wheelchair storage.

The proposed extension to the south of the building will have a footprint measuring approximately 10.75 m² with a flat roof with a very low pitch and masonry walls covered in larch boarding. The height of the extension will measure 2.0m reducing to 1.95m. Two composite double doors are proposed on the south elevation.

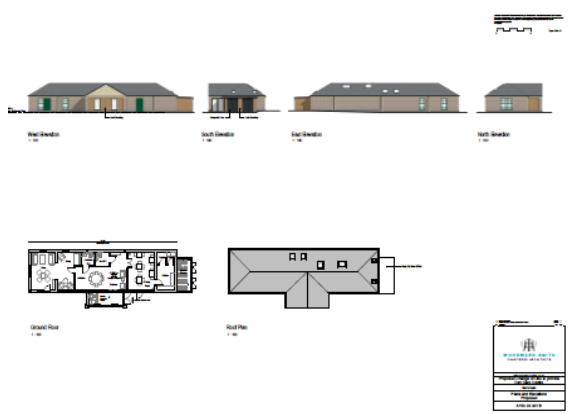
The existing gable canopy on the west facing elevation will be enclosed with masonry walls covered in larch boarding to include two windows on the west facing elevation and double glazed doors on the south elevation providing an additional 11.2 m2 of internal floor space.



Location Plan



Existing and Proposed Site Plan



Floor & Elevation Plans



Photo of site

Principle of Development

The application property lies within the development boundary of Barnstaple. Local Plan policies such as ST06 and BAR confirm the status of the Sub-regional Centre as the focus for growth in northern Devon and its importance as an employment and service centre.

The site is situated adjacent to Barnstaple Bus Station and within the commercial centre of the town. The site has previous use as a shop for hiring mobility aids however the demand for such has declined with private ownership of mobility scooters increasing and the premises has been vacant for some time.

The proposal seeks minor extensions works to enable the change of use of the site to a day care centre. The site is situated within the town centre of Barnstaple.

Barnstaple is recognised as the largest centre delivering the greatest range of convenience and service options in northern Devon which reflects its status as a Sub-regional Centre. Policy ST12 seeks to ensure that the role of Barnstaple is sustained and enhanced with

retail, leisure, office and cultural facilities being supported and residential, community and health services will be encouraged to achieve a mix of facilities for active town centres.

DM19 seeks to increase the viability and vitality of town centres and will support leisure, community and residential proposals subject to:

- a. The retention and enhancement of the Town and District Centre historic character;
- b. the proposed development being readily accessible by sustainable transport modes, and;
- c. the effective use of the upper floor is maintained and secured.

The proposal will not have an impact upon the external appearance of the site with all changes being of a minor nature. Being situated within Barnstaple Town Centre the site is in a sustainable location and is accessible by public transport and safe walking routes.

The use of the site will provide a centrally located day care centre for older and vulnerable local residents and provide employment which will help to support town centre shops and services and as such meets the requirements of Policies ST12 and DM19 as detailed above.

The situation of the site is close to the district centre services and facilities which therefore makes it an appropriate and sustainable location for a day centre use and is supported subject to satisfying other planning matters. These are considered to be the impact of the proposed development upon the amenities of adjacent occupiers and the impact of the proposed design changes upon the setting and nearby heritage assets, ecology, flood risk and drainage and highway and parking implications of the proposal.

Planning Considerations Summary

- Design Principles & impact upon Heritage Assets
- Amenity Considerations
- Ecology
- Flood Risk and Drainage
- Highways and Parking

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.

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 and Heritage Impacts

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.

The proposal will not have a significant impact upon the external appearance of the site with the existing building retained. The extension to the south is small and subordinate to the main building and utilitarian in its design. The enclosure of the canopy to the front elevation to the west of the site will provide an entrance area and additional storage and will not alter the existing roof layout.

It is not considered that the small extensions to the site will not have a significant impact upon the main building or its setting. The proposed materials include solid walls with timber finish which is natural and sustainable. A concern has been raised by Barnstaple Town Council that the use of timber would be a fire risk however the main walls are constructed using masonry which is a solid structure.

A condition is applied to ensure the proposed materials are used in order to meet the requirements of the above policies.

Consideration is also given to the impact of the proposal upon its setting which is adjacent to the Barnstaple Town Centre Conservation Area. Policies ST15 Conserving Heritage Assets and DM07 Historic Environment both of which have as a fundamental objective that proposals will be supported which conserve and enhance heritage assets and their settings.

The main planning issue is therefore whether the proposed extensions to the building achieves these aims.

The Heritage and Conservation officer has been consulted regarding this proposal and no concerns were raised as detailed above.

Given the Heritage and Conservation Officers approval in principal to the proposed development it is considered that the proposal will not cause harm to the heritage asset and its setting within the Barnstaple Town Centre Conservation Area and as such is considered compliant with the above NDTLP policies and the statutory duties referred to above.

As such design and heritage impacts are considered to be acceptable.

Amenity

Local Plan Policy DM01 Amenity Considerations is relevant and is supportive of development where it would not significantly harm the amenities of neighbouring occupiers.

The site is adjacent to the Bus Station and is nearby Belle Meadow Court a complex of residential flats. The proposed use of the building will provide day care for older and vulnerable residents of the north Devon Area.

The use is unlikely to have a detrimental impact upon nearby residents and businesses and Environmental Health have raised no concerns in their consultation response as detailed above. The proposed extensions will not result in the loss of privacy or be impactful due to their minor nature and as such is considered to be in accordance with policies DM01 and DM02 of the NDTLP.

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 proposal includes a small formal development over existing hard-standing with the loss of no bio-diversity and includes no works to the main roof of the existing building and as such there will be no impact from the works upon protected species.

The proposal includes no formal net gain as required by Policy ST14 of the NDTLP and a condition is applied to ensure the installation and on-going retention and maintenance of a bird box at the site to provide a net gain in accordance with Policy ST14 of the NDTLP.

Flood Risk and Drainage

Policy ST03 of the Local Plan (Adapting to Climate Change and Strengthening Resilience) states that Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to a vulnerability of People, land, infrastructure and property. The flood vulnerability is the same for the proposed and existing use.

The site is situated within flood zones II and III however, only part of the building is situated within the flood zone area. The extensions will provide for storage of scooters and wheelchairs which is not a vulnerable use. The additional footprint is of a small scale and the amount of additional run-off is likely to be of an insignificant amount and will not have an impact upon the flood risk already associated with the area. The floor levels will be retained and will not increase flooding elsewhere and a condition is applied to ensure the construction of the extensions uses flood resilient construction methods in order that it can be brought back into use shortly after a flood event(s).

In order to safeguard the occupiers who will be older and vulnerable and with limited mobility conditions are applied to ensure a flood warning and evacuation plan are prepared and that the occupiers sign up to receive flood warnings in case of any future flood event(s).

Highways and Parking

Albert Lane provides vehicle access to the site which is shared by neighbouring sites and includes a hammer-head turning area. Albert Lane is a no-through road providing access only. The proposal includes no alteration to the existing access arrangement.

Policy DM06 of the Local Plan (Parking Provision) states that development proposals

will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to the:(a) accessibility and sustainability of the site; (b) availability of public transport; (c) provision of safe walking and cycling routes; and (d) specific scale, type and mix of development. Proposals must also encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.

The application site has no dedicated parking nor is there the ability to provide any. However, the site is directly adjacent to Barnstaple Bus Station and nearby public car-parks and the main local centre. It is considered the site is within a sustainable location where users of the proposed day centre will not need to rely on access to a private motor vehicle to access the services of the site. The proposal is therefore considered compliant with Policy DM06 as above.

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. 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:

A153 23 201 Location Plan received on the 28/02/24
A153 23 202 Existing & Proposed Site Plans received on the 28/02/24
A153 23 301B Floor Plans & Elevations Proposed received on the 28/02/24
(‘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 development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

Walls - Masonry with larch timber boarding over.

Doors UPVC/Composite

Roof - single ply membrane

Reason:

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

4. Prior to the extensions hereby approved being brought into first use, a bird box shall be installed on the north or east elevation in a position where it will not be in full/direct sunlight all afternoon, to avoid overheating. Any box installed shall be maintained and retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.

5. Flood resilient construction techniques and materials shall be utilised where practicable for the development hereby approved.

Reason:

In the interests of flood risk having regard to Policy ST03 of the North Devon and Torridge Local Plan.

6. Prior to the first occupation of the development hereby approved a flood warning and evacuation plan shall be prepared and retained thereafter this shall include signing up to flood warning alerts at <https://www.gov.uk/sign-up-for-flood-warnings>.

Reason:

To ensure that users of the centre are aware of flood risk events and can make adequate preparation for evacuation in compliance with Policy ST03 of the North Devon and Torridge Local Plan.

NOTE: It is recommended that this plan be reviewed at least annually to ensure that it is fit for purpose.

Further details of preparing a flood plan can be found at <https://www.gov.uk/preparefora-flood>.

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 and has imposed planning conditions to enable the grant of planning permission.