

Application Report

Strategic Development & Planning

Place Services

North Devon Council

Lynton House, Commercial Road,

Barnstaple, EX31 1DG



Application No:	66122	Application Expiry:	31 March 2020
Application Type:	Full application	Ext Of Time Expiry:	31 March 2020
		Publicity Expiry:	6 December 2019
Parish/Ward:	Barnstaple/Roundswell		
Location:	Oliver Buildings Taw Wharf Barnstaple Devon EX31 2AA		
Proposal:	Conversion Of Building To 47 No. Residential Units & 1,220 Square Metres Of Floorspace Of Commercial Uses (A1, A2, A3, A4, A5, B1a, B1c, D1, D2) Conversion Of Existing Buildings Together With The Erection Of 4 No. New Buildings Along With Car & Cycle Parking, Landscaping, Refuse Storage & Other Associated Works & The Demolition Of Modern Extensions To The Existing Buildings (Amended Plans & Documents) (Further Amended Plans, Design Revisions Block 1 & 2)		
Agent:	Alder King Planning Consultants		
Applicant:	Acorn Property Group & Anchorwood Development Ltd		
Planning Case Officer:	Ms. J. Watkins		
Departure:	N		
EIA Development:	N	EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee:	Design proposals generated significant public interest. Major application providing for regeneration of a prominent derelict heritage site.		

Site Description

The site is on the southern bank of the River Taw and was originally part of the Leaderflush Shapland site. As the planning history below sets out permission has been both granted and implemented for retail and residential uses. The retail park and ASDA are complete and the residential scheme for 172 dwellings is under construction.

The site is within the extended Barnstaple Conservation Area which includes lower Sticklepath Terrace. The site also adjoins the Grade I listed Long Bridge and the Grade II listed Halfords building.

The Oliver Buildings are listed grade II, and are one of Barnstaple's most visible and characteristic landmark buildings. They have a simple, very recognisable form which characterises the buildings as industrial structures, but which also links them to the town, through associative use, cultural history, local materials and relationship to workers' housing adjacent in Sticklepath Terrace and surrounding streets.

Recommendation:

Approved

Legal Agreement Required:- No

Planning History

The site, as a whole, has an extensive site history (an extract is provided below); however, of particular relevance are the applications made to redevelop the site following the relocation of Leaderflush Shapland. The planning history is only detailed from 2008 when the first permission was granted for the redevelopment of the site for a greater quantum of development.

The key permissions are 55809 and 59837, the latter being a replacement consent for 55809.

Ref	Proposal	Decision
43599	Outline Application for the comprehensive redevelopment of the site including the demolition of buildings with the exception of the Oliver Buildings, construction of residential development (up to 450 dwellings); retail space (A1 Uses Limited To Bulky Goods & DIY up to 10,000 sq. m gross floor area) ; Hotel (C1 Uses up to 60 bedrooms); Convenience Retail/Service Uses (A1 & A2 Uses with a gross floor area up to 1,000 sq. m); Community Facilities (up to 1,000 sq. m gross floor space); Restaurants, Cafes, Public House & Takeaway (A3, A4 & A5 Uses) ; Offices (B1 Uses up to 4,000 sq. m); together with all associated infrastructure including removal of contamination, increasing ground levels, roads, footpaths, cycleways, drainage (including attenuation works), flood defence works, landscaping, public open space, utilities & vehicle parking as shown on the Concept Master Plan (ref 14316-105) (amended & additional information)	Conditional Approval 12.06.08
55809	Hybrid Application For: (A) Full Application For A Retail Food Store (Use Class A1) Of 6,820 Sqm Gross With A Petrol Filling Station & Access; (B) Outline Application For Up To:	Conditional consent

Ref	Proposal	Decision
	<ul style="list-style-type: none"> • 350 Dwellings (Use Class C3); • Hotel Of Up To 60 Beds (Use Class C1); • Employment (Use Class B1) Space Of Up To 4,000 Sqm Gross Floorspace; • Community Facilities (Use Class D1) Of Up To 200 Sqm; • Convenience Retail/Service (Use Class A1 & A2) Of Up To 1,000 Sqm; • Restaurants/Cafes (Use Class A3) Of Up To 1,300 Sqm; • Public House (Use Class A4) Of Up To 400 Sqm; • Hot Food Takeaway (Use Class A5) Of Up To 400 Sqm; • Leisure Uses (Use Class D2) Of Up To 1,000 Sqm; Together With; <p>(C) All The Associated Infrastructure Including Removal Of Contamination, Increasing Ground Levels, Roads, Footpaths, Cycleways, Drainage (Including Attenuation Works), Flood Defence Works, Landscaping, Nature Conservation, Public Open Space, Utilities & Vehicle Parking Also Including Demolition Of Buildings With The Exception Of The Oliver Building</p>	
57975	<p>Reserved Matters Application For Phase 1. Conditions 34 Reserved Matters. Condition 35 Service Residential Land, Riverside Promenade, On Site Flood Defences, Nature Conservation Area, Means Of Access And Associated Works. Condition 36 Flood Defence Works. Condition 38 Landscape Proposals. Condition 39 Levels (Part Discharge) (Outline Planning Permission 55809)</p>	<p>Conditional Consent 29.01.15</p>
59837	<p>Removal Of Condition 45 & 46 & Variation Of Condition 2 (Approved Plans) Attached To Planning Permission 55809 Hybrid Application For: (A) Full Application For A Retail Food Store (Use Class A1) Of 6,820 Sqm Gross With A Petrol Filling Station & Access; (B) Outline Application For</p> <ul style="list-style-type: none"> • Up To 350 Dwellings (Use Class C3); • Hotel Of Up To 60 Beds (Use Class C1); • Employment (Use Class B1) Space Of Up To 4,000 Sqm Gross Floorspace; • Community Facilities (Use Class D1) Of Up To 200 Sqm; • Convenience Retail/Service (Use Class A1 & A2) Of Up To 1,000 Sqm; • Restaurants/Cafes (Use Class A3) Of Up To 1,300 Sqm; • Public House (Use Class A4) Of Up To 400 Sqm; • Hot Food Takeaway (Use Class A5) Of Up To 400 Sqm; • Leisure Uses (Use Class D2) Of Up To 1,000 Sqm; Together With; <p>(C) All The Associated Infrastructure Including Removal Of Contamination, Increasing Ground Levels, Roads, Footpaths, Cycleways, Drainage (Including Attenuation Works), Flood Defence Works, Landscaping, Nature Conservation, Public Open Space, Utilities & Vehicle Parking Also Including Demolition Of Buildings With The Exception Of The Oliver Building(Amended Plans)(Amended Layout Plan)</p>	<p>Conditional Consent 23.12.15</p>
60406	<p>Reserved Matters Application For The Erection Of 166 Residential Units Following Outline Approval 55809</p>	
60711	<p>Erection of six residential dwellings with access, landscaping & associated works – Former Norris Land</p>	

55809 has now been implemented with the raising of site levels, the flood defence scheme and the riverside walk and the junction works onto the A3125. This application was varied by application **59837** to update the scheme which ASDA wished to implement.

The following table aims to compare the consented schemes and sets out the gross floor areas in square metres

	43599	55809 59837	60370	60406 60711	66122
Dwellings C3	up to 450	up to 350		172	47
Food store A1 (ASDA)	-	6,820			
Petrol Filling Station (ASDA)	-	Not Specified			
Bulky Goods A1	10,000	-			
Convenience Retail/Service A1 & A2	1,000	1,000	7154		1,220 (1186)
Restaurants/cafes A3	Not Specified	1,300	1116		
Public House A4	Not Specified	400			
Takeaway A5	Not Specified	400			
Employment B1	4,000	4,000			
Community Facilities D1	1,000	200			
Leisure D2	Not Specified	1,000			
Hotel C1	up to 60 beds	up to 60 beds			
Total	16,000	15,120	8270		1,220 (1186)

A total of 16,310 square metres (Asda, the retail park and the proposal) commercial floor space is now proposed overall which is comparable to the original site outline.

Residential numbers amount to 172 plus 47 (219) which is below the original outline (450/350).

The hybrid application 55809 did include the Oliver Buildings land but no clear proposals were made for it at the time. Condition no.59 of the consent requires:

“Prior to the commencement of any development in respect of the Oliver Buildings, a scheme for the mix of uses within the buildings and any related external alterations of the building shall be submitted to and approved in writing by the Local Planning Authority. The uses and alterations shall be carried out in accordance with the approved details.”

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Chivenor Safeguard Zone	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Barnstaple South Development Boundary ST06	Within constraint
Adopted Existing Strategic Footpath/Cycleway	Within constraint
Within BAR20(e) Strategic Green Infrastructure Links	Within constraint
Within BAR12 Anchorwood Bank	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Burrington Radar Safeguard Area	Within constraint
Landscape Character is: 7 Main Cities and Towns	Within constraint
Within Flood Zone 3	Within constraint
Within Flood Zone 2	Within constraint
Conservation Area: 5 Barnstaple-Town Centre ;	Within constraint
Historic Landfill Buffer	Within constraint
Advert Control Area Barnstaple	Within constraint
Listed Building Grade: II: Former Shapland and Petter Factory	Within constraint
Public Right of Way/Bridleway	
Class I Road	
SSSI Impact Risk Consultation Area	Within constraint
Conservation Area: BARNSTAPLE, TOWN CENTRE	
BAR12 - Anchorwood Bank	
BAR 20- Strategic Green Infrastructure Links	
DM01 - Amenity Considerations	
DM02 - Environmental Protection	
DM03 - Construction and Environmental Management	
DM04 - Design Principles	
DM05 - Highways	
DM06 - Parking Provision	
DM07 - Historic Environment	
DM08 - Biodiversity and Geodiversity	
DM10 - Green Infrastructure Provision	
DM12 - Employment Development at Towns, Local Centres and Villages	
DM19 - Town and District Centres	
ST01 - Principles of Sustainable Development	
ST02 - Mitigating Climate Change	
ST03 - Adapting to Climate Change and Strengthening Resilience	
ST04 - Improving the Quality of Development	
ST05 - Sustainable Construction and Buildings	
ST10 - Transport Strategy	
ST11 - Delivering Employment and Economic Development	
ST12 - Town and District Centres	
ST14 - Enhancing Environmental Assets	
ST15 - Conserving Heritage Assets	

ST18 - Affordable Housing on Development Sites

ST23 - Infrastructure

Policy BAR12: Anchorwood Bank

- (1) Land at Anchorwood Bank, (approximately 10 hectares) is identified for a comprehensive, sustainable, high quality, mixed use development that includes:
- (a) approximately 172 dwellings, the size and tenure of which will be reflective of local needs;
 - (b) approximately 6,000 square metres net retail floorspace and additional leisure, tourism, commercial and community facilities;
 - (c) new pedestrian and cycle links along the river frontage between the Tarka Trail and the Longbridge and enhanced pedestrian and cycle links over the River Taw; and
 - (d) provision within the site for physical infrastructure, community facilities, and green infrastructure required by the development.

(2) The site will be developed to deliver the following site specific development principles:

- (a) retention and conversion of the Oliver buildings;
- (b) adequate flood alleviation measures to manage and mitigate risks from flooding;
- (c) vehicular access to the A3125; and
- (d) balancing ponds to control surface water runoff and prevent increasing the risks of flooding elsewhere in Barnstaple

Consultees

Name	Comment
Barnstaple Town Centre Manager Reply Received 9 January 2020	BTCM agreed that they had no further comments to make.
Barnstaple Town Council Reply Received 27 February 2019	Approval, subject to the developers addressing concerns on the following: -Access and availability of parking; is there enough there for residential and commercial use? -The design material of the 7-storey tower and visual impact of said tower to riverside -For the path/cycleway to be linked up to the Tarka Trail (a direct pathway into town)
Barnstaple Town Council Reply Received 11 July 2019	Need to increase the level of vegetation and tree planting between the A3125 / Sticklepath Terrace and the buildings. More cycle parking on the site. Electric car charging points and infrastructure within the parking area Improved pedestrian and cycle connectivity to the Town Centre

<p>Barnstaple Town Council</p> <p>Reply Received 28 November 2019</p>	<p>Approval</p>
<p>Building Control Manager</p> <p>Reply Received 9 January 2020</p>	<p>Access for the fire service vehicles is required to within 45m of the furthest point in each flat, or risers should be provided and access for the fire service vehicle to connect to these must be within 18m. It is likely that dry risers will be provided to the taller blocks or possibly all blocks. Therefore depending upon the system used the vehicle access needs to be within these distances. For the majority of the development access is achievable from the access road. The furthest parts of block 1 and all of block 2 appear beyond these distances and therefore fire service vehicle access will be required nearer to the entrances to these parts. There appear to be paths or possible smaller roads around these parts of the buildings, these will need to be available to allow easy fire service vehicle access, wide enough, able to withstand the load of the fire service vehicles and allow area for their turning. A plan showing the strategy for means of escape and facilities for fire fighting and access will show this.</p> <p>The lobby or corridor directly off the stair requires smoke vents where the distance from the stair door to the furthest flat door is in excess of 4.5m, or where the top floor is in excess of 11m from ground level or where there are more than 3 floors above ground level. The stairs also require smoke vents. In the majority of instances this is achievable as the stairs or corridors are on external walls, where they are not a shaft is required to allow smoke ventilation.</p> <p>There is a mezzanine floor, to comply the area from the foot of the stair to the lower room entrance door must be remote from the cooking facilities and the mezzanine must look over at least 50% of the room below, currently it does not meet these requirements. Alternative proposals to resolve this can be considered.</p> <p>There are other minor items I have noticed.</p> <p>One flat shows a store open to the hallway of the flat. If the means of escape from the flats on this stair is via the windows (1st floor level) this is compliant, otherwise an E20 door is required to the store.</p> <p>One flat shows a door opening over the 400mm required landing at the bottom of the stair.</p>

<p>Building Control Manager</p> <p>Reply Received 17 January 2020</p>	<p>Agent to Building Control Please see comments in response to your feedback and attached the following Fire tender swept path analysis and Mark ups highlighting means of escape strategies.</p> <p>Building Control 17.01.20 with agents comments in brackets Please can you send me the current lower ground floor plan showing all entrances to the buildings that serve flats. (Attached) Please can you confirm if there will be any fencing or obstructions between the existing road with the roundabout and the buildings. (No, as discussed). Some of the OV you have shown with an arrow going from the corridor/lobby into the stair. What does this mean, is this a vent for the corridor/lobby or the stair? A vent for the corridor/lobby should be directly to the outside or be into a shaft. (Resolved as discussed by moving position of door). Some stairs do not have smoke vents shown, please can you mark these vents on the drawing. (Marked on attached and as discussed all stairs have the ability to have high level vents). Once I have this information I can confirm if the provisions appear to show compliance.</p> <p>Agent to Building Control 27.01.20 Please find attached revised layout and mark-up for the second floor showing revised door positions based on 7.5m max travel distance. As a reminder of our discussion and the minor tweaks: - No flat entrance from lobby - Flat doors 2.6, 2.7 and 2.13, 2.14 tweaked to comply - Lobby from stairs adjusted to allow direct venting to outside</p> <p>Building Control 27.01.20 Thank you for the amended plans and I can confirm that these appear to meet document B for smoke venting. Regarding the ground floor plan, as the building is 5 storey, the escape stairs must not serve other uses on the ground floor. Please see section 3.77 of approved document B.</p>
<p>Councillor D Knight</p>	<p>No Response</p>
<p>Councillor G Lofthouse</p> <p>Reply Received 13 November 2020</p>	<p>I have looked at the amended plans and in principle have no concerns about these. I do hope that the development can now move forward.</p> <p>I would ask that in the details of waste/litter that some 'hardy and very visible' bins be added to the river walkway as there are non at present</p>
<p>DCC - Childrens Services</p> <p>Reply Received</p>	<p>Regarding the above planning application, Devon County Council has identified that the proposal of 49 family type dwellings will generate an additional 12.25 primary pupils and 7.35 secondary pupils which would have a direct impact on Sticklepath Primary</p>

<p>28 March 2019</p>	<p>School, Pilton Infants School, Pilton Bluecoat CofE Academy, Yeo Valley Primary School, Our Lady's Catholic Primary School, Eden Park Academy, Newport Community School, Pilton Community College and The Park School. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>The contribution sought towards primary provision is £196,232 (based on the DfE new-build rate of £16,019 per pupil) and the contribution sought for secondary provision is £161,119 (based on the DfE extension rate of £21,921 per pupil). These contributions will relate directly to providing additional education facilities for those living in the development. As the strategy for west Barnstaple is for new primary school, DCC also need to request a proportionate land contribution of 10sqm per family-type dwelling from this development. Based upon a land value of £1,105,000 per hectare, this land contribution would equate to £54,145 and would be used to assist in the procurement of the new school site.</p> <p>In addition, a contribution towards Early Years provision is requested to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated at £12,250, (based on a per dwelling rate of £250). This contribution will be used to provide additional early years provision for children generated by the proposed development.</p>
<p>DCC - Childrens Services</p> <p>Reply Received 4 December 2020</p>	<p>Regarding the above planning application, Devon County Council has identified that the proposal of 44 family type dwellings will generate an additional 11 primary pupils and 6.6 secondary pupils which would have a direct impact on Sticklepath Primary School, Pilton Infants School, Pilton Bluecoat CofE Academy, Yeo Valley Primary School, Our Lady's Catholic Primary School, Eden Park Academy, Newport Community School, Pilton Community College and The Park School. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:</p> <p>We have forecast that local primary and secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at the local primary and secondary schools that serve the address of the proposed development. The contribution sought towards primary provision is £176,209 (based on the DfE new-build rate of £16,019 per pupil) and the contribution sought for secondary provision is £144,678 (based on the DfE extension rate of £21,921 per pupil). These contributions will relate directly to providing additional education facilities for those living in the development.</p> <p>As the strategy for west Barnstaple is for new primary school, DCC</p>

	<p>also need to request a proportionate land contribution of 10sqm per family-type dwelling from this development. Based upon a land value of £1,105,000 per hectare, this land contribution would equate to £48,620 and would be used to assist in the procurement of the new school site.</p> <p>In addition, a contribution towards Early Years provision is requested to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated at £11,000 (based on a per dwelling rate of £250). This contribution will be used to provide additional early years provision for children generated by the proposed development.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 22 March 2019</p>	<p>The proposal will generate no more traffic than was permitted through the previous outline permissions on the site and therefore traffic generation is not an issue.</p> <p>I have serious concerns regarding the available space within the site for the efficient delivery of goods to the business part of the proposal and the conflict such deliveries would create with emergency vehicle access to the site and access for residents. No delivery vehicle parking has been provided within the site, in the event of a delivery the vehicle would have to block the access road in the proposed car parking area, this would block access for all emergency vehicles and residents wishing to enter or exit the car park.</p> <p>The issue of delivery access, in particular regard to NPPF paragraph 110 c&d, should be a cause for concern for the Local Planning Authority to consider, however, these do not block the public highway and therefore on behalf of the Highway Authority I have no objection to the proposal subject to planning conditions securing: a construction traffic management plan to ensure the proper development of the site; and permanent signage for deliveries to avoid parking on the highway.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 9 January 2020</p>	<p>Remains concerned about how deliveries will be made safely to the non-residential units, but if they use the internal car park and cause chaos, it is off the highway and not my domain. The worry is that vehicles stop to unload on the main road due to the lack of space within the site for them.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 12 February 2019</p>	<p>The Historic Environment Team has previously commented on the Listed Building Consent application (ref: 66138) for this proposed development and have no additional comment to make on this planning application. Their comment was that :</p> <p>A programme of work is required.</p>
<p>DCC - Historic Environment</p>	<p>The Historic Environment Team do not have any additional comments to make on this listed building consent application to</p>

<p>Team</p> <p>Reply Received 7 July 2019</p>	<p>those already made.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 19 November 2019</p>	<p>The Historic Environment Team do not have any additional comments to make to those already made</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 28 February 2019</p>	<p>At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy DVS6, relating to flooding and water quality, and saved Policy DVS7, relating to sustainable drainage systems, of North Devon Council's Local Plan (1995-2011). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 18 April 2019</p>	<p>Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission. Following my previous consultation response FRM/ND/66122/2019, dated 28/02/2019, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 14/03/2019, for which I am grateful.</p> <ul style="list-style-type: none"> * Tidal Hydrographs for Spring and 1 in 200 year Tide * Drainage Maintenance Report dated 14th March 2019 HYD-CO5636-DMP * 200 Year Tidal Volume Summary * Spring Tide Volume Summary * Calculations - OLB-HYD-XX-XX-CA-C-001_Q30+40%-200yr tide * Calculations - OLB-HYD-XX-XX-CA-C-0001_Surface Water Q100+40-Spring Tide <p>The additional information answers my queries raised in my previous response. The applicant has supplied tidal output levels along with accompanying model outputs for clarity to indicate the impact of various tidal scenarios on the proposed surface water drainage system.</p> <p>The applicant has provided a maintenance schedule for the proposed surface water drainage system for the lifetime of the development.</p> <p>To summarise, the applicant has put forward a feasible surface water drainage strategy which fits with the drainage strategy for the wider development. The applicant has provided attenuation based on a tidal locking scenario due to the tidal nature of the River Taw at this location. A petrol interceptor is proposed to treat the surface</p>

	<p>water runoff prior to discharge into the River Taw. The applicant has also assessed the surface water drainage system for the 40% for climate change and assessed potential exceedance flow routes for rainfall events above the design event.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 8 July 2019</p>	<p>Our previous objection was withdrawn and any surface water drainage details were included as a pre-commencement condition (see our response dated 02/05/2019).</p>
<p>Economic Regeneration Officer</p> <p>Reply Received 24 February 2020</p>	<p>Economic Development would support the revised proposals and would welcome any opportunity to work with the developers of the scheme to improve the highway solution at the Long Bridge, to create a more pedestrian friendly environment appropriate as a gateway to Barnstaple town centre</p>
<p>Economic Regeneration Officer</p> <p>Reply Received 24 February 2020</p>	<p>Economic Development would support the revised proposals and would welcome any opportunity to work with the developers of the scheme to improve the highway solution at the Long Bridge, to create a more pedestrian friendly environment appropriate as a gateway to Barnstaple town centre.</p>
<p>Environment Agency</p> <p>Reply Received 21 February 2019</p>	<p>We have no objection to the proposed development at submitted. The reason for this position and advice is provided below. Reason – The site lies within flood zone 3, identified by Environment Agency flood maps as having a high probability of flooding. The submitted Flood Risk Assessment (FRA) has been produced in line with the previous approved overall flood strategy for the Anchorwood site. It has demonstrated that the site will remain safe from flooding over its lifetime, in line with the National Planning Policy Framework (NPPF) through updating the design flood level to 2019 (& 2119 end of lifetime) to ensure all residential development is above the flood level (at 7.58mAOD or higher). The plans also indicate the continuation of the river corridor margin along the frontage.</p>
<p>Environment Agency</p> <p>Reply Received 17 July 2019</p>	<p>We have no objection to the proposed development as submitted. The reason for this position is provided below. Reason – We have reviewed the amended plans and consider that they do not alter our previous response, as outlined in our letter dated 21st February 2019. The Flood Risk Assessment is in line with the previously approved overall flood strategy for the Anchorwood site. It has updated the design flood levels, ensured that all residential development is above the flood level and maintains the river corridor margin along the frontage.</p>
<p>Environmental Health Manager</p>	<p>1 Land Contamination I believe the application site forms part of the much larger Anchorwood site that was dealt with under Permission 55809. I am</p>

Reply Received
13 February
2019

aware that Application 55809 included consideration of land contamination and a number of assessments and investigations were reported. Given the known potentially contaminative historical uses of the industrial site, I would like to be assured that the necessary safeguards are in place for this specific development. I therefore recommend the applicant be asked to submit a land contamination assessment report relating to this specific development. The purpose of the report will be to summarise previous assessments and investigations relating to this application site, to discuss and make recommendations in relation to any areas requiring additional investigations and to set out any further remediation works and verification reporting required or outstanding, taking account of the specific development proposals of this application. In order to ensure that the above assessment report, any outstanding remediation works and appropriate verification reports are provided, I recommend a condition be imposed:

2 Environmental Noise

The proposals include the creation of residential dwellings in close proximity to a busy road and to existing commercial properties including loading and delivery areas. The proposals also include the introduction of potentially significant sources of noise such as a detached external plant room close to dwellings approved under a different application. I recommend the applicant be asked to submit a noise assessment that considers the potential for environmental noise to have a significant impact on the proposed residential properties and for the proposals to impact existing and approved residential properties in the vicinity. If unacceptable noise levels are identified, the assessment should include recommendations for mitigation including in relation to changing the proposed layout of the scheme if necessary. If it is appropriate to deal with this issue by way of condition, I recommend a condition be imposed:

3 Sound Insulation

I note the proposals include mixed use buildings with commercial uses adjoining residential dwellings. I anticipate that the provision of adequate sound insulating structures and materials between these uses will be given special consideration as part of complying with Building Regulations, including in relation to the requirements of Approved Document E: Resistance to the Passage of Sound.

4 External Plant and Equipment

The proposals include creation of a number of commercial units including some that may need to install external plant or equipment (eg commercial kitchen extraction equipment for proposed restaurants etc). I recommend the prior approval of the Local Planning Authority be required should any commercial unit wish to install external plant or equipment that has the potential to impact sensitive neighbouring uses. I recommend a condition be imposed

	<p>to this effect on any permission</p> <p>5 Asbestos The buildings on the site are of an age where materials containing asbestos may have been used in their construction, subsequent modification or in connection with their industrial uses. The buildings should be surveyed for such materials prior to any conversion or demolition by a suitably qualified person. Where found, materials containing asbestos must be treated and, where relevant, disposed of in accordance with current legislation and guidance. I recommend the results of the above survey be referenced within the Construction Environmental Management Plan (see below) along with any measures identified for the safe treatment of asbestos prior to the demolition and construction phase of development.</p> <p>6 Construction Phase Impacts In order to ensure that nearby residents and businesses are not unreasonably affected by dust, noise or other impacts during the demolition and construction phase of the development I recommend a condition be imposed:</p>
<p>Environmental Health Manager</p> <p>Reply Received 11 July 2019</p>	<p>I do not wish to add anything to my previous comments which stand</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 28 February 2019</p>	<p>The retention and re-use of the Oliver buildings is to be welcomed in principle, but it needs to be achieved in a sympathetic manner which retains the key characteristics of the buildings, inside and out, and maintains the contribution they make to the significance of other assets, most notably the Barnstaple Town Centre Conservation Area, and the grade I listed Long Bridge adjacent, the setting of which the Oliver Buildings form an integral part.</p> <p>The two applications are related. Dealing with the LBC application first (66138), my views are as follows:</p> <ul style="list-style-type: none"> • There are various demolition proposals included within the plans. We need clear information as to why these elements are felt not to have significance, and why therefore their demolition can be justified. • It is proposed to use the Lower Ground floor for commercial and storage functions, and then convert the upper floors, including the roof spaces, to apartments. There are site sections provided but no detail, as far as I can see, on what implication this has for internal features such as floor structures and surfaces, ceiling beams, roof trusses, the fire protection system, or the implications of Building Regulation requirements. The internal features need to be retained and protected – a scheme which involves their removal or undue alteration is unlikely to be acceptable.

	<ul style="list-style-type: none"> • The extent of internal subdivision does not preserve the quality of the internal spaces, particularly the large open rooms in Blocks H and I. • The addition of dormers to the roofs will change the character both of these spaces and the overall building. It should be avoided, as recommended by the South-West Design Review Panel. • The design of the external stairwells seems to bear no relation to the host buildings or the local context. If these structures really are needed then more thought needs to be given to this. • The application proposes the replacement of all of the existing windows with double glazed composite windows. This is not likely to be acceptable. As with the other historic features, the principle should be to repair and retain the windows. <p>Application 66122 is the related planning application. This deals with the conversion of the listed buildings, and also the construction of new buildings around the site. Some new building is reasonable in the space between the Oliver Buildings and the river, however, in order to be acceptable, the new buildings should not harm the significance of nearby heritage assets. This is not the case with this application as the proposed new Block 1 will, at 6.5 storeys high, be an overly dominant feature in the immediate setting of the grade I listed Long Bridge, the grade II listed Oliver buildings, and the Town Centre Conservation Area.</p> <p>The applicants have received advice from Historic England and the South-West Design Review Panel which, from the evidence of the plans as submitted, does not seem to have been heeded.</p> <p>In my view the effect of these combined applications is such that a high level of less than substantial harm, under the terms of paragraph 196 of the NPPF will arise from the proposals. This harm should therefore be weighed against the public benefits of the proposal, including securing the optimum viable use of the asset. The degree of harm caused to the Oliver Buildings arising from this proposal is such that the proposal in its current form cannot be said to be the optimum viable use.</p> <p>In terms of the statutory duty, the proposal does not, in my view, preserve the listed buildings or their settings, as is stated to be desirable under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, neither does it preserve or enhance the character or appearance of the Barnstaple Town Centre Conservation Area under Section 72(1) of that Act.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 24 April 2019</p>	<p>The current plans show a reduction in the height of Block 1 and some changes to the details. In my view these changes do not address the fundamental issue, which has been raised before, but evidently needs to be flagged up again.</p> <p>The main reason for proposing a building of the nature of Block 1,</p>

as elucidated at the Design Review Panel (DRP), is because the architect and developer feel that a building of height is 'needed' at this end of the scheme (i.e. the whole of the Anchorwood Bank scheme), in order to balance the taller blocks at the centre and western end of the scheme when viewed from the northern bank of the river Taw. At the DRP it was made clear that there is no case that Block 1 is needed as enabling development. The DRP, however, in their written response stated that they were not convinced that a tall building in this location would be appropriate or beneficial. The LPA have also raised concerns about the effect that a tall building in this location would have on the streetscape and character of the town in general.

From my point of view, the site for the proposed Block 1 is particularly sensitive. It is adjacent the grade I listed Longbridge and the grade II listed Oliver Buildings and Slaughterhouse (now Halfords). It is included within the Barnstaple Town Centre Conservation Area. Even a small building (i.e. two storeys) on this site will affect the setting of the adjacent listed buildings and will have an effect on the Conservation Area. A tall building on this site will affect both the settings of the adjacent buildings, and the wider settings of other listed buildings, particularly those existing tall buildings which function as landmarks - these include the grade II* listed Church of the Holy Trinity, Barbican Terrace, and the grade II* listed Church of St Peter in the centre of Barnstaple.

To be absolutely clear, the existing setting of the listed buildings in this case shows a clear spatial relationship between the Longbridge, the Oliver Buildings and the Slaughterhouse. There is no modern development to the north or east of the Oliver Buildings. To preserve this setting, which the law states is the desirable option, means no new building on the site. The setting of the two churches, particularly Holy Trinity, is the historic town, within which the tower and spire of the churches have a landmark function because there are no other tall buildings in the vicinity. The civic centre, to the north-west, thankfully has a degree of separation.

We have indicated a willingness to consider new build on the land to the north-east of the Oliver Buildings, on the basis that there were factory buildings there for some considerable period of time, and I think that an argument could be made that a limited form of development in this area would not be harmful to the significance of the heritage assets. I do not, however, think that this argument could be made for Block 1. In my view this building will not preserve the setting of the listed buildings and will be an over-dominant feature within the Conservation Area. I would therefore recommend that this element of the scheme is not pursued, and that instead attention is given to developing an acceptable scheme for the Oliver Buildings, the condition of which appears to be steadily deteriorating. On the latter note, may I draw your attention

	<p>again to the comments made in relation to the LBC application 66138, which for convenience are repeated here:</p> <p>" There are various demolition proposals included within the plans. We need clear information as to why these elements are felt not to have significance, and why therefore their demolition can be justified.</p> <p>It is proposed to use the Lower Ground floor for commercial and storage functions, and then convert the upper floors, including the roof spaces, to apartments. There are site sections provided but no detail, as far as I can see, on what implication this has for internal features such as floor structures and surfaces, ceiling beams, roof trusses, the fire protection system, or the implications of Building Regulation requirements. The internal features need to be retained and protected - a scheme which involves their removal or undue alteration is unlikely to be acceptable.</p> <p>The extent of internal subdivision does not preserve the quality of the internal spaces, particularly the large open rooms in Blocks H and I.</p> <p>The addition of dormers to the roofs will change the character both of these spaces and the overall building. It should be avoided, as recommended by the South-West Design Review Panel.</p> <p>The design of the external stairwells seems to bear no relation to the host buildings or the local context. If these structures really are needed then more thought needs to be given to this.</p> <p>The application proposes the replacement of all of the existing windows with double glazed composite windows. This is not likely to be acceptable. As with the other historic features, the principle should be to repair and retain the windows."</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 6 August 2019</p>	<p>In my consultation response to the original applications, made on 28.2.19, I raised concerns about many aspects of the proposals. Having compared the proposed floor plans and elevations, it seems that only minor amendments have been made to the proposed scheme. The majority of the amendments relate to the supporting documents.</p> <p>Some of the additional details are welcome, and are related to the comments made in my consultation response of 28.2.19. For example the LHC Listed Building Report of June 2019 is generally useful, and I do not have issue with the proposed treatment of floors and roofs. The retention in situ of the floorboards, joists, hangers and bowstrings in the floor structures, and the retention of sarking boards, queen post trusses and purlins in the roofs is welcomed.</p>

The condition of the central staircase has suffered due to the very poor condition of the roof above. Further information will need to be provided on the extent of replacement for structural elements but in principle I would support the approach for the lower storeys. As I have commented before the removal of the upper element is regrettable – this space would be better retained without conversion as it is where many of the original features – metal windows, hydrants, sprinkler system pipework and original iron sliding door and track on second floor are located.

The additional documentation relating to the Sprinkler system is welcome but the precise intentions for this element are still not clear. Page 33 of the Revised Heritage Statement and Heritage Impact Appraisal July 2019 (RHSHIA) states that "Additional research and recording of the sprinkler system is required to ensure its careful in-situ conservation or its careful removal and representation and interpretation to the wider public. " It seems that the general aim is to retain the most historic elements in circulation spaces, but that other elements will be removed in the individual domestic units. Without knowing what this entails, it is difficult to comment on this aspect of the proposals.

The demolition plans are useful and I do not have issue with this aspect of the proposals.

A window strategy has been included with the plans. This proposes the retention and restoration of the metal windows, which is welcomed, but the metal windows should be identified on the plans and elevations. The strategy proposes the replacement of the existing timber windows (the majority) with double glazed units. The justification offered relates to the difficulty of upgrading the existing windows to allow fire escape and the desire for better thermal performance. The loss of this amount of historic fabric will result in harm to the significance of the heritage asset. This harm will need to be weighed in the balance against the benefits of the scheme. On a point of detail, in those exceptional circumstances where we do grant LBC for double glazed windows in listed buildings, the requirement is to have units separated by integral glazing bars, not applied glazing bars as proposed here. On block K the new doors and windows in the apertures revealed by the demolition of the northwest extension should be shaped to match the openings, which if I remember have cambered heads?

Aside from these comments, the wider concerns I have raised previously about the proposals have not been addressed by the amended information. The RHSHIA has evidently been prepared with the purpose of justifying the proposals, and I do not generally agree with the assessment of significance of the various elements of the buildings, or the conclusions it draws.

The RSHIA refers several times to the economics and viability of the scheme: paragraph 8.8 on page 36 deals with the installation of balconies, dormer windows and roof-lights;

"The provision of these elements has formed part of the Business Plan for the site to ensure that the proper market price is achieved on selling the residential units so that the conservation of the site can be achieved.

The introduction is often controversial, as it is considered that the conversion of a historic building should be achieved with minimum external alterations so that it retains its original character and appearance. The Oliver Buildings should, therefore, still read as large factory structures and not have the character of the larger residential blocks to the west.

...Like the balconies, dormers are not always considered suitable in the conversion of historic buildings as they introduce a residential character and appearance to industrial and agricultural buildings detracting from their historic character and appearance. The introduction of dormers to the Oliver Buildings allows for the creation of comfortable residential spaces in the upper floors which increases the value of the units helping to reduce the developers deficit and make the conversion sustainable."

On Page 40, in paragraph B dealing with "The potential impact that any development would have on the significance of the setting of the neighbouring grade I listed Longbridge" the text reads;

"...Block 1... sits within the scale and form of the other proposals and has been designed to have an interrupted roofline to minimise any imposition on the character and appearance of the Oliver Buildings. As a necessary component of the development to ensure its sustainability, it is considered that any visual impact (or harm) to the heritage assets has been minimised and is justified in securing the long term conservation of the Oliver Buildings and the economic regeneration of the wider site"

Both Historic England and myself, in previous consultation responses, have identified that the proposed scheme, whilst having some benefit in securing the repair of the listed Oliver Buildings, will also cause harm to the significance of various heritage assets – the Oliver Buildings, the Conservation Area, and the other nearby listed buildings including the grade I listed Longbridge and the grade II listed Halfords building. In purely heritage terms, it is my view that the harm is not outweighed by the benefits. The scheme is being presented as the only viable option for the site, based on the 'Business Plan' referred to by the agents above. If this Business Plan is intended to be used to justify the proposal then it should be subject to robust interrogation by an independent assessor and the results made public. If this assessment concludes that the benefits can be achieved by a less intensive

	<p>scheme which does not include the most harmful elements currently proposed, then the justification put forward as part of the application for the current proposals does not succeed.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 9 January 2020</p>	<p>This application is related to application 66138, which is the Listed Building Consent application for various works proposed for the Oliver Buildings. Please see my comments on that application, and previous comments on this application, for context.</p> <p>My comments relating to the proposed external additions to the listed buildings should also be taken into account when this application is considered, as these additions require planning permission. In particular, the addition of the dormers will not preserve the existing simple character and form of the listed buildings, and will result in a rather incongruous domestic addition. The dormers on the north-eastern and south-eastern elevations of the Oliver Buildings will be particularly apparent in views from other heritage assets - such as the Conservation Area, the grade II listed Halfords building, and the grade I listed Longbridge, where they will lessen the contribution that the Oliver Buildings currently make, in their existing unaltered form, to the significance of other heritage assets. This view is shared by the Victorian Society.</p> <p>The planning application relates to other proposals for development on the site, including Blocks 1 to 4. I have no particular 'in principle' issues with Blocks 3 and 4, though the design of Block 3A is 'interesting' and it is not clear what this is intended to relate to, or evoke. Block 2 occupies the approximate position of an earlier part of the complex which was demolished in the late 20th century, so in principle I have no issue with the construction of a new block in this area. The comment I would make is that the proportions of the window and door openings would benefit from amendment - to enhance the setting of the listed buildings they ought to relate to the proportions of the listed buildings, or the new building is likely to appear as a further disparate entity. In particular, the dormer windows on Block 2 have a marked horizontal emphasis that is more redolent of late 20th century suburban housing than this former industrial site.</p> <p>The element of this application that I have the greatest concern over is the proposed Block 1. I am aware that this has been reduced in height, and the design has changed, since the original proposal. I am also aware these changes have reduced, but not entirely removed, the concern expressed by Historic England relating to the effect on the setting of the adjacent grade I listed Long Bridge.</p> <p>Whilst I acknowledge that the height of the proposed Block 1 is now lower, and intended to match the ridge height of the Oliver Buildings (though on some of the drawings it does appear slightly</p>

	<p>higher), I still question the justification for having an additional block there at all. The proposed Block 1 does not relate to the site of a former building on the complex, and does not have any historic associations with either the Oliver Buildings themselves, or the other nearby heritage assets. It will not preserve the setting of any of the assets, and neither will it allow their significance to be better appreciated. The addition of the block rather adds a further new element to this side of the river bank, diminishing the ability to appreciate the Oliver Buildings from the east, and adding a significant element of built form to an area that has historically been open. Therefore it reduces the ability to appreciate the various heritage assets in their settings, which, whilst not original, have a degree of historic authenticity.</p> <p>Whilst welcoming the repair and conversion of the main Oliver Buildings in principle, it is my view that those aspects of the proposals outlined above will result in less than substantial harm to the significance of both the Oliver Buildings and other heritage assets, therefore under the terms of paragraph 196 of the NPPF, the public benefits of the proposal should be taken into account when the decision is made.</p>
<p>Historic England Reply Received 28 February 2018</p>	<p>Summary Whilst Historic England welcomes the retention of the Oliver Buildings and their incorporation into a larger development and regeneration scheme, we have strong concerns about some elements of these applications. The Information provided within the applications does not adequately assess the impact of the proposed development on the significance of the grade I listed Long Bridge or Barnstaple's conservation area, in particular where that significance derives in part from their settings. We believe that the addition of a 6.5 storey tower block with associated detached elevator block, the inclusion of dormer windows, external walkways, balconies and external stairwells to the Oliver Buildings themselves, the removal of the internal sprinkler system, and some elements of the design of the development cause unjustified harm to the heritage assets. We believe that an alternative, more respectful scheme would enhance the site and this area of Barnstaple, fulfilling the housing, economic and urban design aspirations of the application in a less harmful manner, and that therefore this scheme does not comply with national or local planning policies.</p>
<p>Historic England Reply Received 24 July 2019</p>	<p>Summary Historic England continue to have strong concerns about this development proposal, despite amendments to the scheme and clarification on some areas of detail. Whilst the retention and reuse of the Oliver Buildings within a regeneration and development scheme is welcomed, we find that some aspects of the scheme cause harm to both the Oliver Buildings themselves and to other local heritage assets, in particular the grade I listed Long Bridge</p>

	<p>and Barnstaple conservation area.</p> <p>We remain of the opinion that a more respectful scheme would enhance the site and this area of Barnstaple, fulfilling the housing, economic and urban design aspirations of the application in a less harmful manner. Because there are likely to be alternative and less harmful ways of delivering similar benefits, we do not believe that the harm caused by the current proposal is justified. It therefore does not comply with the policies of the National Planning Policy Framework (NPPF).</p>
<p>Historic England Reply Received 10 January 2020</p>	<p>Historic England have previously provided comments on this application on two occasions (28 February 2019, and 24 July 2019) in which we outlined the significance and special interest of the various heritage assets affected by the development proposal and our concerns about the harm that could be caused to them by the scheme as then submitted. In our letter we also outlined our involvement in a Design Review Panel held in July 2018 specifically relating to this project. We would ask your authority to consider this letter in conjunction with our previous correspondence.</p> <p>The applicant has submitted revised drawings, the principle change of which is the reduction in height of block 1 to a ridge level in line with the existing Oliver Buildings. The block is detached from, but linked to, the Oliver buildings and its roof is now of a more traditional dual pitch design. Historic England believe that this change is a major improvement on the previous submissions. The building is now of scale and height that does not create harm to the significance of the Grade I listed Long Bridge where a part of that significance stems from its setting, nor does it create a harmful blocking and dominant effect in views along the bridge towards Sticklepath. In our opinion the relationship of block 1 with the public footpath is also of a less imposing scale, and the impact on views from the south-east/Seven Brethren area is also reduced. Your authority may wish to consider the form of the ground floor shop front in block 1, and any associated signage and lighting schemes in greater detail within this application, or as part of subsequent more detailed proposals at a later date.</p> <p>Historic England continue to find that the proposed new buildings located between the Oliver Buildings and the river are acceptable and create an open public space of quality and interest. We fully support the principle of the reuse and retention of the Oliver Buildings in ways that protect their special interest and heritage values. However, Historic England would refer you to the expert advice of your own conservation officer in relation to the specific changes proposed to the Oliver Buildings. We continue to highlight to you the reasons why the Oliver Buildings were given listed status and the contribution that they make to Barnstaple. They are worthy of careful and considered treatment that does not cause</p>

	<p>harm or diminish their special interest through the loss or obscuration of features of note such as the sprinkler system, the fire proof flooring, the repetitive pattern of windows and the linear form of the factory buildings and their roofs. Too many subdivisions or additions through pushing the building to accommodate a high number of units will inevitably erode their reasons for being listed as buildings of special architectural or historic interest.</p> <p>Whilst Historic England now believe that the scheme is at a stage where we will no longer need to be involved, there is likely to be further need for detailed examination of the above mentioned issues, along issues such as the materials palette for new interventions and the impact of the building regulation requirements. We consider that these need to be given significant weight in any decision making to ensure a scheme of quality. The NPPF states in paragraph 193 that great weight should be given in decision making to the conservation of heritage assets. Paragraph 194 of the NPPF states that any harm (no matter the level) should be clearly and convincingly justified. Where harm is caused, it is for the local planning authority to decide if that harm is outweighed by public benefits of the proposal, including securing its optimum viable use (NPPF 196).</p> <p>Recommendation Historic England no longer has heritage concerns relating to this scheme that would require our continued engagement. We welcome the positive reuse of the Oliver Buildings and encourage detailed consideration of the physical impacts proposed to them by your authority, to reduce and mitigate any harm caused.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 26 February 2019</p>	<p>As the proposed site is within the development boundary in the Local Plan the requirement would be for 30% affordable housing provision. However, Government guidance is that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The applicant's Planning Statement states that Vacant Building Credit (VBC) means the proposed affordable provision is zero in accordance with Policy ST18 of the Local Plan and paragraph 63 of the National Planning Policy Framework (NPPF). It reaches this conclusion because the proposed amount of floorspace being brought back into use and demolished is greater than the total area of the proposed new residential build. If Planning consider that the existing buildings meet the VBC criteria then an affordable housing provision would not be required.</p>

Housing Enabling Officer Reply Received 5 July 2019	Previous response still applies
Landscaping & Countryside Officer	No response
Open Space Officer Reply Received 11 February 2019	The scale of development generates an open space and green infrastructure requirement. DM10 sets out the policy requirement for open space provision, with standards published in Table 13.1. Where on-site provision is not met, off-site contributions will be sought. This is on the basis of the Green Infrastructure Strategy, which formed the evidence base for the local plan. I cannot see any provision of meaningful and usable open space within the layout. The employment use proposes 1237sqm with a mixture of commercial uses. With an absence of SPD, I am unable to calculate the open space requirements for employment use as there is no mechanism within the policy.
Open Space Officer Reply Received 30 May 2019	My response from 11 February 2019 still applies.
Open Space Officer Reply Received 19 November 2019	Following submission of the Area Schedule, I have reviewed open space and green infrastructure requirement. I attach a revised calculation requesting £121,492.
Planning Policy Unit Reply Received 26 February 2019	I note the height of Block 1 (one) has been reduced from the original ten storeys down to six and a half storeys (which includes ground floor commercial and 7 flats on the upper floors). Whilst I accept the developer has reduced the height of the proposed tower, partly in response to previous concerns regarding height and the conflict with the heritage asset, I must still question the reasoning behind the decision to continue to pursue a tall residential element on the south-eastern end of the Oliver buildings which if I am reading the final report from the DRP correctly is contrary to their advice. Whilst the DRP are not a statutory body I would still consider their views to carry significant weight as advocated by paragraph 129 of the NPPF. From a policy perspective, opportunities may exist on this part of the site to redevelop the area but in a sympathetic way that respects the setting and importance of the Oliver buildings. It would therefore be interesting to understand whether a smaller form of development or a landmark structure as suggested by the DRP on this end of the site would be acceptable from a historic context if the building was

no higher than the Oliver buildings as paragraph 10.64 also makes it clear 'development across the rest of the site should be no higher than the ridgeline of the Oliver buildings'. Therefore, if a building were considered acceptable in this location then it needs to be further reduced in height so it does not dominate the heritage asset but of a height and design that complements the Oliver buildings and not a development that will take away from its importance....

Again as I set out in my previous response, from a policy perspective the proposed use of the space in front of the Oliver buildings as an enclosed square is supported in principle. However, whilst I accept the developer would appear to have proposed domestic scale buildings along the river frontage as advocated by the DRP, I would question the scale of the building at the end of the Longbridge when it has been recognised that any new buildings should 'work with the impressive views in and out of the site'. This is highlighted when you view the Oliver buildings from Taw Vale where sight lines will be greatly disrupted although I do accept the proposed building is no higher than previous buildings on this part of the site from its historical context and it does sit below the existing ridge line. Also, with the small piazza space in front of the Oliver buildings being east facing and surrounded by tall buildings, I would question whether it will deliver a welcoming sense of place and an area of vibrancy to enhance this riverside location. I would suggest that greater detail around the proposed building and its potential impact on the setting of the Oliver buildings is an issue that would be more appropriate for the Council's Conservation Officer to comment upon.

I welcome the planning application is supported by a Building for Life 12 assessment (BfL12) where optimum design outcomes would appear to minimise 'amber' scores and 'red' scores have been avoided. The developer has identified the majority of the proposal as 'Green' which from a policy perspective is very encouraging and fully supported but I would wish to be assured that this assessment is critically challenged and not just accepted without due consideration of the outcomes. I also note the application is proposing 1,220 m² (GIA floorspace) of commercial including A1, A2, A3, A4, A5, B1a, B1c, D1 and D2 uses. Criterion 2 of Policy ST05 will require all non-domestic development of at least 1,000 m² to achieve a BREEAM rating of 'Very Good'. It does not appear that such an assessment has been undertaken in support of this application and it may be appropriate to seek further guidance on this matter with the Council's Sustainability Officer. The overall design and layout of the development should be considered against Policies ST02, ST03, ST04, ST05, ST15, DM01, DM04 and DM07 of the adopted Local Plan.

Policy ST18 requires the delivery of affordable housing on development sites in accordance with the stated threshold unless

such thresholds are changed in national policy or guidance.....I note the 'Planning Statement' has set out in Table 10.1 the argument that vacant building credit will apply in this instance and no affordable housing should be sought. However, I do not fully accept that VBC should apply to the Oliver buildings as the PPG (Paragraph: 023 Reference ID: 23b-023) clearly sets out that 'the vacant building credit applies where the building has not been abandoned'. I would suggest there is an argument here that the Oliver buildings have been abandoned and have been so for a number of years and their poor state of repair is a reflection of them not being maintained to a satisfactory standard over many years. Therefore, it would be appropriate for the applicant to provide the necessary evidence that the referenced building is not considered as an 'abandoned building' or vacated solely for the purpose of redevelopment....

Therefore, from a policy perspective there should not be a general acceptance of the implications around vacant building credit when assessing the need to deliver a policy compliant scheme in terms of on-site affordable housing in accordance with Policy ST18 without conclusive justification as set out above regarding abandonment. However, I do accept that where viability is likely to be an issue then it would be more appropriate to secure a long term viable future for this designated heritage asset as opposed to securing an element of affordable housing or other financial contributions as required by policy. Such an approach is also advocated by paragraph 202 of the NPPF which states 'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies' although I would still consider further justification is required regarding the lack of affordable housing delivery.

I note the inclusion of a 'Transport Statement' to accompany the application. I will leave the detail of the report to be assessed by the local highway authority but from a policy perspective I have the following comments. It would appear the site is delivering at least one car parking space per residential unit, which is acceptable in principle, although I note there is an additional nine car spaces to the west of Block K that are located behind existing spaces so I would therefore question how these spaces could be accessed or exited from if a car was parked in the adjoining space. Also, there does not appear to be any car parking or loading/unloading spaces for the commercial units. Paragraph 13.51 recognises that in order to transition to a low carbon economy and a move to lower emission transport, regard should be given, as part of the provision of an appropriate range of parking, to providing electric vehicle charging infrastructure. You should ensure the development

	<p>includes adequate provision for on-site car parking for both the residential and commercial units and adequate provision for electric vehicle charging infrastructure. I welcome the provision of cycle parking within the development albeit it only appears to be in Block 4 to serve visitors of the commercial and I assume the 60 spaces in Block I is to serve the entire residential element as there is no provision in Block 1 (one), Block 2 or Block K. I would wish to be assured there is appropriate cycle parking for occupants of the flats, staff and visiting members of the public particularly considering its location adjacent the national cycle network. All highway issues should be considered against Policies ST10, DM05 and DM06 of the adopted Local Plan.</p> <p>As this is predominantly a previously developed site I welcome the introduction of soft landscaping within the proposals as well as the inclusion of new facilities for bats. All issues around ecology should be considered against ST14 and DM08.</p> <p>Paragraph 13.68 of the adopted Local Plan clearly sets out that new development will be required to make provision for public open space, recreation, sports facilities and green infrastructure and where possible, such facilities should be provided on site as an integral part of the development. Therefore, you must ensure that the proposal delivers on-site green infrastructure in accordance with Policy DM10 and the standards as set out in Table 13.1 together with guidance from the consultation response of Lucy Wheeler. From a policy perspective the open courtyard at the front of the Oliver buildings could fulfil part of the open space provision by being designed as a multi-functional, quality, accessible and attractive open space including appropriate hard and soft landscaping.</p>
<p>Planning Policy Unit</p> <p>Reply Received 8 April 2019</p>	<p>From a policy perspective, I can only re-iterate what I have already set out in my previous response of February 2019. Paragraph 10.64 of the adopted Local Plan states ‘the Oliver buildings provide an important townscape feature along the river frontage and will be retained and converted for residential, community, tourism or commercial uses. They will contribute to an attractive architectural statement at the entrance to the site to reflect Barnstaple's maritime heritage’. I note the height of Block 1 (one) has been further reduced from the original ten storeys within the pre-application now down to five and a half storeys (which includes ground floor commercial and flats on the upper floors), a loss of one further storey from the current scheme. Whilst I accept the developer has again reduced the height of the proposed tower from the original scheme, mainly in response to previous concerns regarding height and the conflict with the heritage asset, I must again still question the reasoning behind the decision to continue to pursue a taller residential element on the south-eastern end of the Oliver buildings which if I am reading the final report from the DRP correctly is contrary to their advice. Whilst the DRP are not a</p>

	<p>statutory body I would still consider their views to carry significant weight as advocated by paragraph 129 of the NPPF. I fully accept that opportunities may exist on this part of the site to redevelop the area but in a sympathetic way that respects the setting and importance of the Oliver buildings but I am not convinced a tower as currently proposed would achieve this. Again, planning policy would be happy to be guided from a design aspect by Collette Hall and Historic England as to whether a smaller form of development or a landmark structure as suggested by the DRP on this end of the site would be acceptable from a historic context if the building was no higher than the Oliver buildings as paragraph 10.64 also makes it clear ‘development across the rest of the site should be no higher than the ridgeline of the Oliver buildings’.</p> <p>If a building were considered acceptable in this location then I would still suggest that it needs to be further reduced in height so it does not dominate the heritage asset but of a scale, height, massing, and design that complements the Oliver buildings and not a development that will take away from its importance. Such an approach is advocated by paragraph 200 of the NPPF which states ‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.</p> <p>Paragraph 202 of the NPPF also recognises that ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’. Therefore, I would be interested to understand whether from a viability perspective or overall design concept that there is a perceived need for this type of enabling development in order to secure the future conservation of the Oliver buildings as I am not convinced this justification has been clearly set out.</p>
<p>Planning Policy Unit</p> <p>Reply Received 31 May 2019</p>	<p>Thank you for consulting the Planning Policy team concerning the recent correspondence from Ms Banwell concerning the above site. My previous comments still stand regarding this site so I will focus this response purely on the question around VBC.</p> <p>As I set previously, I still do not fully accept that VBC should apply to the Oliver buildings as the PPG (now updated to Paragraph: 028 Reference ID: 23b-028-20190315) clearly sets out that ‘the vacant building credit applies where the building has not been abandoned’. I would again suggest there is an argument here that the Oliver buildings have been abandoned and have been so for a number of years and their poor state of repair is a reflection of</p>

them not being maintained to a satisfactory standard over many years.

As I set out in my previous response regarding factors the LPA could take into account when determining whether a building has been abandoned, this has now been clarified in the NPPG. Paragraph 028 sets out that in deciding whether a use has been abandoned, account should be taken of the relevant circumstances, such as:

- The condition of the property
- The period of non-use
- Whether there is an intervening use; and
- Any evidence regarding the owner's intention.

Each case is a matter for the collecting authority to judge. I do not consider it can be argued by the applicant that these listed buildings have been suitably maintained since they were vacated in 2013, some six years of neglect as long term maintenance should have continued during the applicant's continued efforts to secure a development partner to deliver the sites regeneration although I do accept the applicant has sought to find a viable use for the site during the intervening period.

However, I do accept the site of the Oliver Buildings forms part of a wider mixed-use redevelopment of Anchorwood Bank which has the benefit of an extant planning permission (55809 – March 2014), which has also been amended over subsequent years and a proposal that is currently under construction, a consideration the LPA must consider as part of the planning balance in terms of VBC and Paragraph 028 of the NPPG. I also accept the building was in a viable use until 2013 when the owner rationalised the business operation to the East Midlands and therefore I suggest it could be argued the building has not been abandoned or vacated solely for the purpose of redevelopment even though the site is part of the 2014 planning permission. I also accept that abandonment may not be as clear on this particular site as efforts have been made to secure a long term future for the buildings following the granting of planning permission in 2014.

Also, whilst I stated the applicant should demonstrate that the building has not been abandoned I also recognised that 'where viability is likely to be an issue then it would be more appropriate to secure a long term viable future for this designated heritage asset as opposed to securing an element of affordable housing or other financial contributions as required by policy'. Also, it is recognised that Government policy is intended to incentivise brownfield development, including the re-use or redevelopment of empty and redundant buildings such as this and I therefore welcome the statement by Ms Banwell that 'a viable proposal has been

	<p>submitted for approval’.</p> <p>In considering all the arguments around VBC and whether it should apply to the Oliver Buildings, I am satisfied from a policy perspective that in the planning balance it is more important to secure a viable high quality redevelopment of this heritage asset as opposed to seeking to secure a policy compliant scheme in terms of delivering 30% affordable housing.</p> <p>Should you be minded to support the application, I would appreciate details from the developer in terms of housing delivery rates so the information can inform the Council’s housing trajectory and 5 YHLS over the Plan period.</p>
<p>Planning Policy Unit</p> <p>Reply Received 23 July 2019</p>	<p>On reviewing the additional information received for the redevelopment of the Oliver Buildings, from a policy perspective I do not wish to make any further response in addition to those submitted previously in October 2018 (pre-application) and February, April and May 2019 (66122). All of which I have attached for your reference as the content of which is still considered relevant although I accept that some of my previous policy concerns may have been addressed and subsequently resolved, such as the acceptance of vacant building credit.</p>
<p>Planning Policy Unit</p> <p>Reply Received 10 January 2020</p>	<p>I note the comments from the Heritage and Conservation Officer and I will not look to comment further on the heritage aspects of the proposal but focus on the principle of Block 1 in terms of its conformity with policies in the adopted Local Plan.</p> <p>As I stated previously in my response dated 8th April 2019, policy fully accepts that opportunities may exist on this previously developed site to redevelop the area where Block 1 is proposed but in a sympathetic way that respects the setting and importance of the Oliver buildings. Policy ST02(b) of the local plan seeks to make a prudent use of key resources, including the re-use and redevelopment of previously developed land such as this. This approach is also supported by paragraph 118(c) that ‘gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs’; and 118(d) which seeks to ‘promote and support the development of under-utilised land and buildings’.</p> <p>It was also made clear that this would only be considered acceptable if the new structure would not dominate the heritage asset and the need to ensure its scale, height, massing, and design would complement the Oliver buildings and not deliver a form of development that will take away from its importance. Policy BAR12 has always been accepting of additional development across this allocated mixed-use site but paragraph 10.64 makes it clear that ‘development across the rest of the site should be no</p>

higher than the ridgeline of the Oliver buildings'. Therefore, from a policy perspective I welcome the fact that the proposed new building has been further reduced to be no higher than the ridgeline of Block H and Block I (Oliver buildings) although it is clear from the plans that the proposed new building would be slightly higher than the ridgeline of Block K but I would assume this is due to the fact that ground levels are slightly lower at this point. As the Heritage and Conservation Officer has still expressed concerns over this matter, it may be appropriate to confirm the proposed ridge height of the proposed new building as it does not appear on the submitted plans and by adding these heights would show a direct comparison with the ridgeline of the Oliver buildings and the new structure.

The principle of new development within designated heritage assets is also supported by paragraph 200 of the NPPF which states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'. Paragraph 202 of the NPPF also recognises that 'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies'.

I would suggest there is a clear disagreement here between policy and heritage. From a policy perspective, there is an in principle acceptance of a new building in this location subject to meeting all policy requirements within the adopted Local Plan and the heritage concerns regarding the potential harm any new building in this location would have on the setting of heritage assets. In this instance, paragraph 196 of the NPPF clearly sets out that where a development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I am of the opinion there is public benefit to delivering a comprehensive mixed-use proposal on this site by way of securing the viable long-term future of this designated heritage asset whilst also delivering a sustainable form of development on the edge of Barnstaple town centre, including 50 residential units that will contribute to housing supply and the choice of homes in the District as well as additional commercial uses. This will, in my opinion outweigh the dis-benefits of erecting a new structure within the setting of a heritage asset that now takes the form of a linked block to the Oliver buildings as opposed to a tower that would have an adverse impact on the

	<p>setting of the heritage asset.</p> <p>From an overall design aspect of this proposed redevelopment, I am more concerned with the partial loss of the principal riverside elevation of Block H from the approved North Devon Homes scheme although it is accepted that such concerns are probably now beyond re-dress. In my opinion, this element impacts more on the ability to appreciate the Oliver Buildings from the east (across the river) by adding a significant element of built form to an area that has historically been open as opposed to Block 1 which is proposed in an area that does include some small scale structures and if the new building is designed appropriately could enhance or better reveal their significance by helping to frame the Oliver buildings.</p> <p>As an aside to accepting the principle of development of Block 1, there is some concern around the design detail of this proposed new build element. Of particular concern is the prominent south-east and south-west elevations where it is considered that better detailing should be incorporated to reflect some of the finer design aspects of the Oliver buildings such as proposed window detailing, siting and sizes, and the potential inclusion of red brick banding similar to that on other blocks. This would help to satisfy the requirements of policies ST04, DM04 and DM07.</p> <p>Therefore, whilst there is an in principle policy acceptance to this current proposal as part of BAR12, it will be a judgment for yourself to consider in the planning balance as to the acceptability of this development against any potential impact on the surrounding heritage assets including the Oliver buildings, the Longbridge, the Old Slaughterhouse (Halfords) as well as the Conservation Area in accordance with Policies ST15, BAR12 and DM07 of the adopted Local Plan.</p>
<p>Recycling & Commercial Services</p>	<p>No response</p>
<p>South West Water</p> <p>Reply Received 13 February 2019</p>	<p>No objection. Public water mains and sewers are located within the site and whilst it appears they will not be affected by the development in terms of building in close proximity to them the applicant should be aware of their presence.</p>
<p>South West Water</p> <p>Reply Received 12 July 2019</p>	<p>I refer to the above where amended plans have been submitted and would advise that South West Water has no further comments to those already made.</p>

Sustainability Officer Reply Received 13 March 2019	<p>The current proposal is supported by a sufficiently detailed Ecological Impact Assessment and recommendations appear to have been appropriately incorporated within the submitted plans. A detailed lighting strategy has also been submitted which clearly aims to demonstrate that site lighting has a minimal impact on any light sensitive protected species utilising the river. Under the current proposals I would not request any further ecological work and am content that the EiA figures and soft landscaping specifications, etc provide sufficient detail to secure the EiA recommendations.</p> <p>The site is within the Zone of Influence for visitor impacts on Braunton Burrows SAC and therefore the application will be required to demonstrate that a contribution towards appropriate strategic mitigation will be made as specified by the LPA.</p>
Sustainability Officer Reply Received 16 July 2019	I am broadly supportive of the approach to BREEAM assessments as set out in the submitted BREEAM Appraisal.
Tawstock Parish Council Reply Received 27 February 2019	Approve but concerns the proposed tower is not in keeping with the local vernacular

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
<u>1</u>	<u>0</u>	<u>23</u>	<u>0.00</u>	<u>0.00</u>

The application has been the subject of three rounds of public consultation.

Comments have been received from residents as well as Groups such as the Victorian Society and Barnstaple Buildings Preservation Trust. The points made include:

- Height of Block 1 too high and inappropriate in design
- New buildings between the Oliver Buildings and river are inappropriate and result in the listed building/river being obscured from view
- Some appropriately designed building based on historic principles may be acceptable.
- Impact on adjacent listed buildings/Conservation Area
- Impact of views/historic setting from all directions towards the site
- The Oliver Buildings should be used for tourism uses
- Industrial functionality of building should be retained (no dormers/balconies)
- Window detailing is critical and retaining historic fabric is essential
- Value of elements to be removed requires reassessment/no objections to removal of the identified elements

- Supporting statements do not justify the works
- Public spaces will be over shadowed
- Public spaces needs to be maintained and kept publicly accessible
- Site needs landscaping
- Overdevelopment of the site
- ND Homes scheme should not be used as a template/ resulted on loss of open space/privatisation of the public realm
- Impact on Bats
- Supports the provision of a landmark building
- Support the principle of conversion
- Need a commercially viable scheme to ensure site is redeveloped
- Developer should explore partnership opportunities with BBPT to draw down heritage finance to enable the scheme to be reduced in impact
- No liaison has occurred with the Museum to display artefacts

Considerations

Proposal Description



The site is significant to the Town due to its industrial heritage and associations with Shapland and Petter which is historically considered to have been 'a ground breaking' furniture company. The site and was previously covered with a range of buildings (both of historic interest and those of a more modern industrial form). Those in the foreground of the above photograph have since been demolished with only the structures now known as the Oliver Buildings remaining (below).



The site was in employment uses and it was only with the development of the ASDA/retail complex and the new housing scheme that the water front has become publicly accessible with the creation of the riverside walk as part of the site's flood defences.

This application seeks detailed planning permission for:

- the conversion of the Oliver Buildings into 47 residential units
- the provision of commercial floorspace
- erection of 4 new buildings/kiosks
- provision of public realm

The scheme has been through numerous reiterations and a pre-application process that dates back to 2018. The illustrative Masterplan (below) indicates the key elements. Access to the site is from the south west via the retail park (the access road that runs past Next).



The car parking for the site is to the rear (next to the service yard of the retail park). The boundary with the inner relief road is a planted edge, the river frontage will become public realm with the creation of a piazza which will contain a range of kiosk type structures as well as new commercial floor space.

Planning Considerations Summary

- Principle of Development
- Design
- Impact on Heritage Assets
- Amenity
- Highway
- Ecology
- Infrastructure
- S106

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that the determination of any planning application should 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 including BAR12 which is a site specific policy.

Para 10.64 of the NDTLP states 'The Oliver buildings provide an important townscape feature along the river frontage and will be retained and converted for residential, community, tourism or commercial uses. They will contribute to an attractive architectural statement at the entrance to the site to reflect Barnstaple's maritime heritage. **Development across the rest of the site should be no higher than the ridgeline of the Oliver buildings.** The roofscape of the development will be prominent when seen from the A361 and downstream bridge as well as the hills around the town and should reflect locally distinctive styles and materials (Policy ST04: Improving the Quality of Development and DM07: Historic Environment). The character and appearance of the conservation area and setting of the historic assets of the Longbridge and Old Slaughterhouse (Halfords) will be protected under Policy ST15: Conserving Heritage Assets'.

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

Principle of Development

This previously developed site is within the defined development boundary for Barnstaple in the adopted Local Plan where the principle of development is acceptable subject to Policy (ST06). The site is also allocated under Policy BAR12 for a comprehensive, sustainable, high quality, mixed use development which includes the retention and conversion of the Oliver Buildings (BAR12 (2a)). A large part of the site has been completed or is currently under construction and the only element of the site that is still pending redevelopment is the Oliver Buildings. Therefore, the general

principle of the proposals put forward are welcomed subject to the following policy requirements being considered.

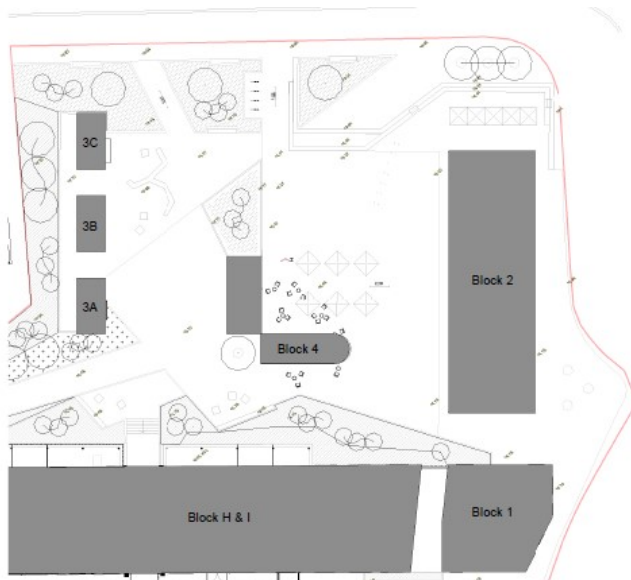
Design

The NDTLP through policy ST04: Improving the Quality of Development focuses on achieving high quality inclusive and sustainable design to support the creation of successful, vibrant places.

The application is supported by:

- Design and Access Statement January 2019
- Supplementary Information June 2019
- Addendum to the Design and Access Statement 23/10/19

The works are comprise both new build and the conversion of the Oliver Buildings



Block 1

Pre-application Scheme

The scheme was presented to the Design Review Panel July 2018. The scheme started out with a 10 storey tower for Block 1. The scheme was then significantly revised and public engagement occurred.

First Formal Scheme

The scale of Block 1 was probably the most controversial part of the scheme. The original application had Block 1 at 6.5 storeys and this resulted in objections from both consultees and the public. The illustration below shows the scheme as originally submitted.



The scheme was then reduced to 5.5 storeys and a further round of public engagement occurred. As set out within the consultation section of this report, this design revision still did not address the in principle concerns about the scheme.

This part of the report will focus on the latest reiteration which is before Planning Committee for consideration.

Revised Application

The application was revised again in November 2019. The revised block 1 proposal (now effectively 4 storeys) represents a significant reduction in scale and quantum and is based on the feedback provided by the consultees. The plan extract below indicates the scale of change but also the design response.

Block 1 is now 4 storeys with a gable end facing the road (block 2 referred to below is shown to the right)



The design changes provide for:

- A proposal in scale/massing terms that ties in with the ridge line of the Oliver Buildings (as required by planning policy)
- Removal of the separate stair core to the rear on previous design which reduces the impact on the public realm and which also improves the legibility of the rear wing of the Oliver Buildings
- Positions the stair core between the existing Oliver Buildings gable and a revised block 1 proposal

The design has a contemporary approach with polychromatic brickwork, standing seam roof, reveal linings, glazed brick where appropriate, mesh to core etc. The dormers/balconies shown have been developed to adopt an industrial language, similar to the rear stair cores and those approved as part of the North Devon Homes scheme. Other drivers for this revised approach are outlined below:

- Solid gable end with minimal openings – takes a steer from the existing Oliver Building’s gable which is largely a brick façade with a few sporadic openings. Being largely brick will also allow the polychromatic blend to be effective on this key elevation.
- Verticality of dormers – inspired by previous blocks on site (now demolished) which, as the most prominent buildings on the site previously, were of a higher quality with a much more vertical emphasis to their façade than what remains.
- Parapet and pitched roof – Pitch to match Oliver Buildings. Gable parapet to match existing Oliver Buildings.

Block 1 will contain commercial space (97sqm) on the ground floor and 4 residential units (1x 1bed, 2x 2bed, 1x 3bed) above. The design allows for the integral provision of fascia signage albeit Historic England have recommended that the design of this be considered in greater detail. This can be conditioned.

Block 2

There was originally a building on this part of the site (see photo above). The proposal is to build a mixed use building. The ground floor will contain café/restaurant (76m² each) with four residential units above. These will be duplex units and will comprise two 3 bed and two 2 bed units. The scale of the building is two and a half storeys. The building will enclose the site from the road but which will have active frontages/glazing/doors and through the use of a drangway type opening at ground floor level will allow pedestrian access into the public piazza beyond. The design on the signage enclosures (fascias etc) (as above) and the form of the dormers are elements that require further attention (see below).

Block 3(a/b/c) are described as kiosks (2x17sqm and 1x 11sqm) and **Block 4** which will be central within the piazza is a small single storey commercial structure of 58sqm. These buildings are all freestanding structures within the public piazza. One of the issues raised by the Highway Authority is how best to service these structures (see below). One of the design elements that is not as yet agreed is the colour of finish on the timber cladding. Again this is a matter that can be agreed by condition.

Block 4



The Oliver Buildings comprise **Blocks H, K and I**, and the proposal is to convert them into 39 residential units (36x 2bed, 2x 1bed and 1x3bed). On the ground floor of Block H and K will be commercial floor space as well as bin storage/cycle storage and general residential storage.



The design elements that are controversial remain the **dormer windows** and the **external balconies**. This will be discussed in more detail in the Heritage section of this report. The applicant has shown how they have been used on other commercial buildings. In themselves they have been designed to have an industrial chic and on any other building would be likely to be acceptable.

The design proposals do not simply have to be scrutinised for compliance with design policy DM04 but in the context of the impact on the fabric and setting of the listed building.

Illustration of the Stairwells



The design approach to the rear stairwells and walkways has been the subject of detailed scrutiny and has been justified in the Supplementary Information June 2019 and is considered to enable access with that achieve means of escape in case of fire whilst minimising the harm to the fabric of the listed building. This design concept is now supported by the Heritage consultees.

In respect of general design principles the scheme is now considered acceptable (subject to conditions and agreement of some of the final detailing) and results in no conflict with Policy DM04.

The design has been reviewed by Building Control and the applicant has demonstrated that the scheme can satisfy the Building Regulations without adverse impact on the listed building.

The Technical Design Note indicates that a '*viable BREEAM strategy would be to carry out one BREEAM assessment for the development as a whole rather than the individual elements*'. The assessment will be a Non-domestic refurbishment and fit out 2014 assessment of the refurbished commercial areas in Blocks H, I and K; with the target rating being 'Good'. The assessment would cover 68% of the commercial floor space and include all connected with project management, management of site impacts and other site related issues (ecology, green transport, rainwater management), which would be the same for all areas of the development. This will allow the developer to concentrate resources on the areas where they can have a real influence, while not burdening the project with excessive costs. The Sustainability Officer is happy with this approach and conditions will be applied.

A Building for Life Assessment has been supplied providing green scores to all sections other than an amber score for car parking (see below).

Renewable energy Planning Report (OLB_HYD_Z0_Z0_RP_ME_0200) indicates that the design of the development has been approached with the reduction of energy as an overarching strategy. The building elements thermal properties and servicing strategy have been enhanced over the minimum standards required by Building Regulations. The use of Photovoltaics whilst having a potential energy and carbon savings would have impact on the listed buildings. The report indicates that a Biomass or CHP installation will increase to capital and commercial costs will make the use of this

technology infeasible. This assessment is accepted in the context of this site and the viability report.

Impact on Heritage Assets

The Oliver Buildings were listed Grade II on the 17-Aug-2015.

In determining these applications the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess; and section 72(1) of the same Act is to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The buildings are within the extended Town Centre conservation area where the general presumption is to preserve and enhance the character and appearance of northern Devon's historic environment (Policies ST15 and DM07). As set out within paragraph 10.64 of the adopted Local Plan *'the Oliver buildings provide an important townscape feature along the river frontage and will be retained and converted for residential, community, tourism or commercial uses. They will contribute to an attractive architectural statement at the entrance to the site to reflect Barnstaple's maritime heritage'*.

Policy DM07: Historic Environment of the NDTLP requires all proposals affecting heritage assets to be accompanied by a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed

Whilst there is generalised 'in principle' support for the repair and conversion of these buildings, there are range of issues that have been raised within the assessment of the impact on heritage assets these include:

- Impact on setting (Long Bridge/Halfords/Oliver Buildings)
- Impact on the Conservation area
- Whether the new buildings are required/justified/appropriate design
- Whether the conversion works is sympathetic (balconies/dormers)

Block 1

Historic England advise that *'The applicant has submitted revised drawings, the principle change of which is the reduction in height of block 1 to a ridge level in line with the existing Oliver Buildings. The block is detached from, but linked to, the Oliver buildings and its roof is now of a more traditional dual pitch design. Historic England believe that this change is a major improvement on the previous submissions. The building is now of scale and height that does not create harm to the significance of the Grade I listed Long Bridge where a part of that significance stems from its setting, nor does it create a harmful blocking and dominant effect in views along the bridge towards Sticklepath. In our opinion the relationship of block 1 with the public footpath is also of a*

less imposing scale, and the impact on views from the south-east/Seven Brethren area is also reduced'.

The Conservation Officer advises that *'Whilst I acknowledge that the height of the proposed Block 1 is now lower, and intended to match the ridge height of the Oliver Buildings (though on some of the drawings it does appear slightly higher), I still question the justification for having an additional block there at all. The proposed Block 1 does not relate to the site of a former building on the complex, and does not have any historic associations with either the Oliver Buildings themselves, or the other nearby heritage assets. It will not preserve the setting of any of the assets, and neither will it allow their significance to be better appreciated. The addition of the block rather adds a further new element to this side of the river bank, diminishing the ability to appreciate the Oliver Buildings from the east, and adding a significant element of built form to an area that has historically been open. Therefore it reduces the ability to appreciate the various heritage assets in their settings, which, whilst not original, have a degree of historic authenticity*'.

The application have moved from a position where the Heritage advisers were advising that substantial harm would result. The test in the NPPF at para 196 is 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*'.

Policy fully accepts that opportunities may exist on this previously developed site to redevelop the area where Block 1 is proposed but in a sympathetic way that respects the setting and importance of the Oliver buildings. Policy ST02(b) of the local plan seeks to make a prudent use of key resources, including the re-use and redevelopment of previously developed land such as this. This approach is also supported by paragraph 118(c) that *'gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*'; and 118(d) which seeks to *'promote and support the development of under-utilised land and buildings*'.

This would only be considered acceptable if the new structure would not dominate the heritage asset and the need to ensure its scale, height, massing, and design would complement the Oliver buildings and not deliver a form of development that will take away from its importance. Policy BAR12 has always been accepting of additional development across this allocated mixed-use site but paragraph 10.64 makes it clear that *'development across the rest of the site should be no higher than the ridgeline of the Oliver buildings*'.

The provision of this new building will alter the setting of the Oliver Buildings and the Conservation Area, but this does not mean that new buildings should be resisted. A judgement has to be made about the scheme as a whole results in significant public benefits that meet the test of the NPPF. This will be addressed in the conclusion of the report.

Block 2

Historic England continue to find that the proposed new buildings located between the Oliver Buildings and the river are acceptable and create an open public space of quality and interest.

Block 2 occupies the approximate position of an earlier part of the complex which was demolished in the late 20th century, so in principle there are no issues with the construction of a new block in this area.

The Conservation Officer has requested that the proportions of the window and door openings would benefit from amendment and that they ought to relate to the proportions of the listed buildings. In particular, the dormer windows on Block 2 have a marked horizontal emphasis that is more redolent of late 20th century suburban housing than this former industrial site. This point has been made to the applicant who is not prepared to make further design changes. It is recommended that you Officers be given delegated power to seek to secure some final design revisions to this block to ensure that unifying design principles are achieved.

Blocks 3&4

The Conservation Officer has no 'in principle' issues with Blocks 3 and 4, but make the comment that 'the design of Block 3A is 'interesting' and it is not clear what this is intended to relate to, or evoke'. As set out above when considered in light of design policy DM04 this part of the scheme is acceptable subject to conditions.

Works to Oliver Building

Application 66138 is a listed building application which considers the works of conversion in more detail. The proposed conversion to a new use and the external additions to the listed buildings require planning permission and need to be considered in line with policies DM04 and DM07.

Historic England advise 'We fully support the principle of the reuse and retention of the Oliver Buildings in ways that protect their special interest and heritage values. However, Historic England would refer you to the expert advice of your own conservation officer in relation to the specific changes proposed to the Oliver Buildings. We continue to highlight to you the reasons why the Oliver Buildings were given listed status and the contribution that they make to Barnstaple. They are worthy of careful and considered treatment that does not cause harm or diminish their special interest through the loss or obscuration of features of note such as the sprinkler system, the fire proof flooring, the repetitive pattern of windows and the linear form of the factory buildings and their roofs. Too many subdivisions or additions through pushing the building to accommodate a high number of units will inevitably erode their reasons for being listed as buildings of special architectural or historic interest'.

The Conservation Officer considers that *'the addition of the dormers will not preserve the existing simple character and form of the listed buildings, and will result in a rather incongruous domestic addition. The dormers on the north-eastern and south-eastern elevations of the Oliver Buildings will be particularly apparent in views from other*

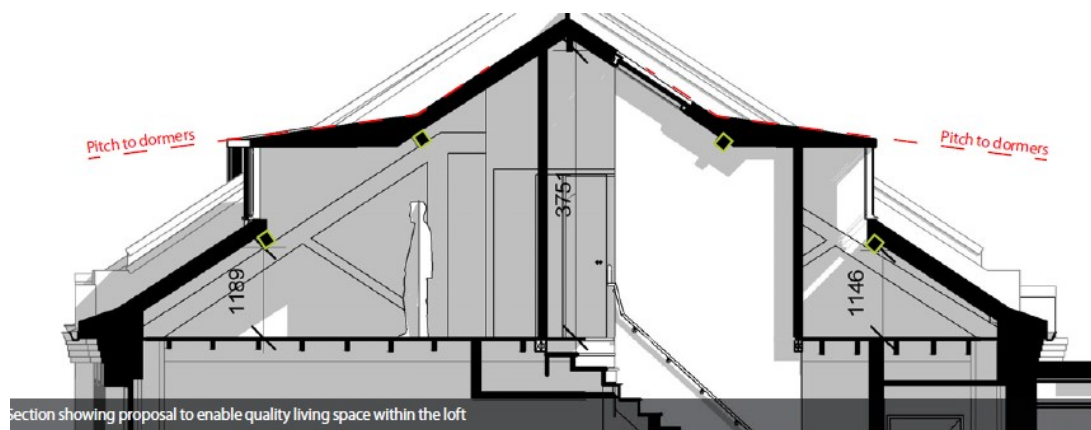
heritage assets - such as the Conservation Area, the grade II listed Halfords building, and the grade I listed Longbridge, where they will lessen the contribution that the Oliver Buildings currently make, in their existing unaltered form, to the significance of other heritage assets. This view is shared by the Victorian Society'.

The updated Heritage Statement does at page 37 acknowledge that "dormers are not always considered suitable in the conversion of historic buildings as they introduce a residential character and appearance to industrial and agricultural buildings detracting from their historic character and appearance" and "The introduction of dormers to the Oliver buildings allows for the creation of comfortable residential spaces in the upper floors which increases the value of the units helping to reduce the developers deficit and make the conversion sustainable."

The decision to be taken is whether the justification provided balances against the harm to significance caused by the dormers. The proposal for conversion has included dormers since it was initiated. This was discussed by the DRP and has always been a contentious element. The Conservation Officer has requested alternative proposals showing how the attics could be used with roof-lights instead of dormers, which would be less damaging.

The Conservation Officer is concerned about whether it has been proven that the provision of dormers as opposed to roof-lights would tip the balance in favour of viability (see below).

The pitch of the roof-lights has been altered slightly, but this does not alter the Conservation Officer's main concern.



The design of the balconies has been altered. The Conservation Officer considers this is more helpful, as it makes the balconies less of an imposition on the elevation of the building



Whilst Historic England have concluded that the design changes overall mean that they will no longer need to be involved, but they recommend that the materials palette for new interventions and the impact of the building regulation requirements be considered (see above). Historic England consider that these need to be given significant weight in any decision making to **ensure a scheme of quality**. The NPPF states in paragraph 193 that great weight should be given in decision making to the conservation of heritage assets. Paragraph 194 of the NPPF states that any harm (no matter the level) should be clearly and convincingly justified. Where harm is caused, it is for the local planning authority to decide if that harm is outweighed by public benefits of the proposal, including securing its optimum viable use (NPPF 196).

The overall conclusion of the Conservation Officer is that *'it is my view that those aspects of the proposals outlined above will result in less than substantial harm to the significance of both the Oliver Buildings and other heritage assets, therefore under the terms of paragraph 196 of the NPPF, the public benefits of the proposal should be taken into account when the decision is made'*.

This will be set out within the Planning Balance in the conclusion of this report.

Amenity

Given the position of the site, the scheme is not considered to impact on existing residential third party amenity in respect of overlooking or shadowing.

With regards to the proximity of the proposed dwellings to the road and to future commercial uses a noise assessment has been requested. The window strategy indicates that the metal windows will be repaired where possible with replacement timber windows being double glazed which will provide a degree of noise attenuation.

In respect of the proposed commercial uses, the floor areas could provide a range of small scale uses.

Oliver Buildings	unit 1	301m ²
	unit 2	270m ²
	unit 3	265m ²

Block 1	Unit 4	97m2
Block 2	Unit 5	74m2
	Unit 6	76m2
Kiosk	3A	17m2
Kiosk	3B	17m2
Kiosk	3C	11m2
Block 4		58m2
Total	10 units	1186m2

The applicant has requested a mixed use development with activities proposed within Use Classes (A1, A2, A3, A4, A5, B1a, B1c, D1, D2).

A1 Shops – includes sandwich bars,
A2 Financial and professional services
A3 Restaurants and cafés-
A4 Drinking establishments - Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision

The above uses with limits on hours of opening as recommended by Environmental Health (see below) would be acceptable within the main buildings.

A5 Hot food takeaways - For the sale of hot food for consumption off the premises.

An A5 use would not be acceptable in some of the units as it would be likely to encourage short term parking on the highway. The applicant has advised that A5 uses are required for the kiosks (Units 3A, 3B, 3C and 4) and that '*The site is in a sustainable location so many users will be on foot having parked elsewhere in the town centre or travelled in by sustainable means*'. In principle A5 uses for these structures is acceptable but again with controls over their useage.

Hours restrictions on all such uses would be appropriate given the character of the mixed residential / commercial setting. Environmental Health suggest 07.00hrs to 23.00hrs Monday to Saturday and more restrictive on Sundays and Bank Holidays. Whilst the Planning Authority would wish to see a vibrant public realm with active uses whether such extended opening hours for the kiosks is justified requires further consideration.

B1 Business – Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:
B1(a) Offices - Other than a use within Class A2 (see above)

The above use is also acceptable.

The applicant has also requested the following uses:

B1(c) Industrial processes

D1 Non-residential institutions - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres

D2 Assembly and leisure - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used)

Certain uses under these classes could clearly give rise to significant impacts that would need specific consideration, mitigation schemes etc. As such, Environmental Health question whether it would be practicable to require a further approval of detailed proposals for such uses. The only way to do this would be to require specific planning permission for such uses. The applicant advises '*The B1c, D1 and D2 are required because there is interest from a bicycle hire and repair shop and we want to keep flexibility to allow for varied users at the site. Other options could be a wetsuit or kitesurf hire/repair, a gym, a crèche*'. Experience of creches is that parents want to park and drop off at or very near the site. This will not be possible as there are no allocated visitor car parking spaces. Similarly with the repair of a broken bikes/kitesurf – how will such goods be delivered? It is agreed that there are a range of commercial uses that may be appropriate to this location but the full Use Class category provides quite a few uses that will not be appropriate.

The Use of the Buildings for B1(c) uses and D1/2 uses is therefore questioned in terms of access, servicing and the impact on the residential uses. The applicant has been asked to refine these uses. Restrictions or revisions to the application are recommended.

Controls will be required on ventilation/extraction equipment to safeguard the amenities of future residential occupiers and to consider any impact on the listed building. Subject to conditions it is considered that amenity can be safeguarded in line with DM01.

Controls over construction through the agreement of a Construction management Plan will be needed in line with DM02.

Economic Regeneration

DM12: Employment Development at Towns, Local Centres and Villages supports the creation of jobs as identified in policies ST06 and ST07. The NPPF states that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The application is broadly supported by both the Town Centre Manager and the Economic Development Team and the regeneration of this site will bring both short and long term economic benefits. The short term benefits will come through the investment in the site during its redevelopment (Construction jobs and investment in services). The commercial floorspace will create jobs in the long term. The residential units will increase the footfall. This is a key site linking the Town Centre to Seven Brethren and the railway station and as a gate way into the Town. All of the consultees support the regeneration of this site and an active reuse of the derelict looking Oliver Buildings. This should be given significant weight in the decision making process.

Highway Issues

Policy DM05: Highways of the NDTLP requires development to ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians. Development will also protect and enhance existing public rights of way, footways, cycleway and bridleways to facilitate improvements or provide new connections.

The application is supported by a Transport Statement (5636-HYD-RP-TP-4001.P1) which *'demonstrates that the proposed development will generate a modest impact upon the local highway network and that highway improvement works delivered by the ABR will readily accommodate the additional vehicular trip generation of the proposed development'*. The scale of the development has been assessed in the context of the approved outline application and the traffic figures from this part of the site fall within the traffic levels that were predicted for the development of the whole of the site (applications 55809/59837). **DCC therefore have no concerns in respect of traffic generation.**

The site is well located in the town that it can easily be reached by foot from the town centre and is well linked to the existing comprehensive footway/cycleway network. The site is readily accessible to existing public transport services. Frequent bus services run along the A3125 past the site and more services travel within 450 metres of the site past Barnstaple Railway Station. The **site is considered accessible to a range of sustainable transport modes** which will lessen the need for car borne trips.

The commercial element consists of 7 units covering a total of 1128sqm. The commercial element being serviced via the residential car park with a suitable turning head being incorporated in the parking layout. In terms of staff and/or customer parking for the commercial units, it is anticipated that there will be sufficient public parking available in the local vicinity to accommodate this demand akin to other town Centre uses.

DCC require a CMP and signage to ensure that service vehicles access the site from the rear yard only and do not service the site from the highway. Controls over servicing times may be required.

The concerns raised relate to the functioning of the service yard and access by emergency services. The rear car parking area is not big enough to provide a layout that provides for segregated servicing. The layout allows vehicles to enter and turn around on the site but during times when they are on site, they would block car parking. The post man/bin vehicles are 'in and out' and will stop anywhere within the site. A servicing strategy is required for vehicles associated with the units in the piazza where gates are going to need to be unlocked and servicing is likely to take longer. The Planning Authority would not want regular access to the piazza by motorised vehicles and hence servicing will be from the rear car parking area. The servicing of the site would not block the public highway but would inconvenience other users of the site.

Policy DM06: 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 accessibility and sustainability of the site, the availability of public transport; the provision of safe walking and cycling routes; and the specific scale, type and mix of development. The policy states that proposals must encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.

Barnstaple Town Council have raised concerns over car parking numbers. The residential element will be provided with independent 50 parking spaces within a dedicated parking area. Nine of these spaces have an additional space to the rear being of a stacked design which means that there are 59 car parking spaces in total. Car parking equates to an excess of one space per residential dwelling.

Discussion have occurred with the developer about whether some of the spaces should be allocated to the commercial users (in particular spaces 19 to 23 (five spaces)) or visitors which means any vehicle using the turning head for servicing would only block the commercial users/visitors to the site.

Given the application sites highly sustainable location there are no in principle concerns about on site car parking is considered an appropriate level of provision.

Barnstaple Town Council have suggested electric car charging points. The applicant advises that *'Acorn have looked into this on other sites and it is more than just the cost of the charging point itself, but there needs to be capacity at the substation which has not been confirmed. If there's no capacity (and for 'fast charge' it's a lot needed) and it's a condition, then worst case this would lead us to have to provide a new substation, so the cost is then x10. If there is a demand from buyers and the capacity is available this is something we can look into from a commercial point of view in the future once we have PP. At this stage, this will further impact on viability'*.

Cycle parking is provided within a basement area for the residential scheme and within the public realm in the form of cycle stands within the public piazza. The detail of which will need to be agreed by condition.

In line with the requirements within paragraphs 108 & 109 of the NPPF (2018) and the compliance with the adopted local plan highways and parking policy, it is considered that there are no residual adverse cumulative impacts in terms of highway safety or the operational capacity of the surrounding transport network that cannot be managed by conditions or minor revision to the site layout.

Ecology

The development is situated within the Transition Zone of the UNESCO North Devon Biosphere Reserve and consideration to the impacts on the Core Area: Braunton Burrows SAC designated site, are necessary. An increase in footfall throughout this sensitive conservation area is likely, however the ecological report concludes that the relative increase in proportion to the number of visitors at present is likely not to be of high significance.

There are two Sites of Special Scientific Interest (SSSI) (Bradiford Valley and the Taw/Torridge Estuary) and six non-statutory designated County Wildlife Sites (CWS) within 2km of the Site boundary (Frankmarsh Wood, Anchor Wood, Larkbear Plantation, Anchorwood Bank, Shearford Lane & Bradiford Scarp, Bishop's Tawton Saltmarsh. These sites are of Local importance.

The Site is located adjacent to the Taw River, which is connected to the Taw-Torridge Estuary SSSI and recommended Marine Conservation Zone.

An Ecological Impact Assessment has been undertaken by Green-Ecology. This report details the results of a desk study, Extended Phase 1 habitat survey, building inspection for bats and birds, and three bat emergence surveys undertaken in 2018. The assessment has identified day roosting sites of common pipistrelle and lesser horseshoe bats within the two existing buildings. The proposed compensation measure is to create a dedicated roosting site for lesser horseshoe bats and bat boxes for pipistrelle bats.

The following mitigation and compensation measures will be undertaken to minimise impacts on important ecological features:

- A European Protected Species Mitigation Licence (EPSL) for bats will be required to derogate from an offence being caused under current legislation and to ensure that appropriate bat roosting provision remains/ is provided on Site;
- Roosting provision will include a dedicated area for lesser horseshoe bats, and bat boxes for pipistrelle bats;
- Professional bird control services should be contacted to remove feral pigeons;
- Low level lighting to ensure dark areas are retained for bat species; no construction lighting to be directed at bat roosts;
- A Construction & Environmental Management Plan (CEMP) and drainage strategy will be required to mitigate for pollutants into the adjacent River Taw;
- Landscaping to include wildlife-friendly and native tree planting is recommended within the Site, to include a vegetated corridor from new bat roost/s to the river.

Additional recommendations have been provided in order to enhance the Site for biodiversity post development. Overall, the development will result in a net gain in biodiversity, provided the mitigation is undertaken in accordance with this report.

As set out in paragraph 6.5 of the Local Plan, 'all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in bio-diversity off-site'. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. As this is predominantly a previously developed site the introduction of soft landscaping within the proposals as well as the inclusion of new facilities for bats. All issues around ecology should be considered against ST14 and DM08.

Lighting design

External Lighting Proposals in Reports OBB-HYD-XX-XX-RP-E-0001 indicate that lighting mitigation measures include:

- Low level lighting to ensure dark areas are retained for bat species
- No construction lighting to be directed at bat roosts
- Avoid light spill on the River Taw

Car Park - Lighting columns will be enabled by a photocell to operate in the hours of darkness. It is proposed the luminaires are dimmable such the light level provided can be reduced after a pre-agreed curfew period. The car park lights will also be provided with a time clock control to provide the opportunity to turn the lights off during any pre-agreed night time curfew. This is will be subject to review with the local Community Police Officer in relation to potential crime within the area.

Walkways - Walkway and canopy lights will be enabled by a photocell and controlled by motion sensors to operate the lights for a pre-determined period when activated. There will be no time clock-imposed curfew control as these lights may be required to operate at any time during the hours of darkness.

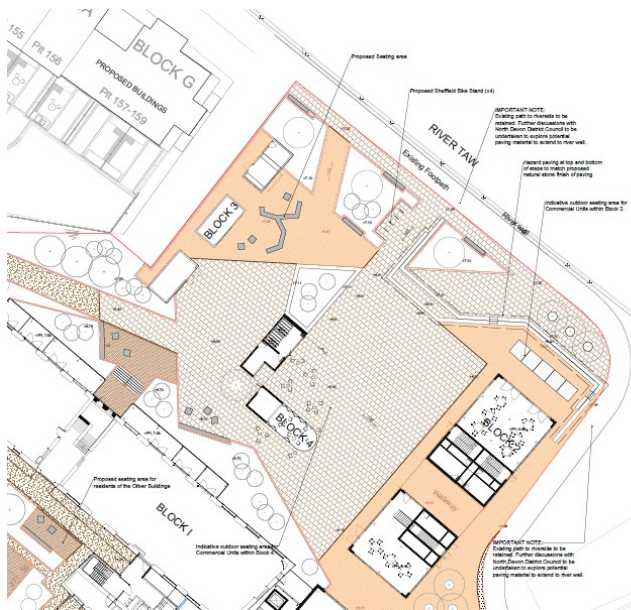
- The ecologist requirement to have <0.5 Lux on the face of the new bat roost has been achieved and there is no light spill onto the River Taw.
- There is minor light spill (<3 Lux) into the retail park loading bay, however this would only be noticeable when the floodlighting in this area was off.
- There is minor light spill (<2 Lux) onto a street parking area of the adjacent residential development, however this would only be noticeable if the street lighting was off.

Public Realm

Policy DM10: Green Infrastructure Provision of the NDTLP requires new development to make provision for public open space, recreation, sport facilities and green infrastructure according to the relevant local space standards. Where possible, provision should be made on site.

Public Realm facing the River

The proposal as illustrated below is for a high quality public realm space which the applicant states '*will create several opportunities for a vibrant and mixed use space further enhancing the local area and proposed commercial activities. Opportunities could include a space for pop-up events, links to the Tarka Trail and spaces for external seating*'. This will open up the site with the Tarka Trail. This area will contain seating, cycle stands and rubbish bins.



Walkway to the Retail Park

The new riverside space will connect to the established retail path by a pathway. The fence line dividing the path from the car parking court has been set back to allow more of the landscaped area to fall within the public realm. This has increased the sense of openness for the pedestrian on this route. The balconies will overlook to this route as recommended by the Designing Out Crime Officer.

Within this location will be a plant room. Additional planting may be required to screen this feature.



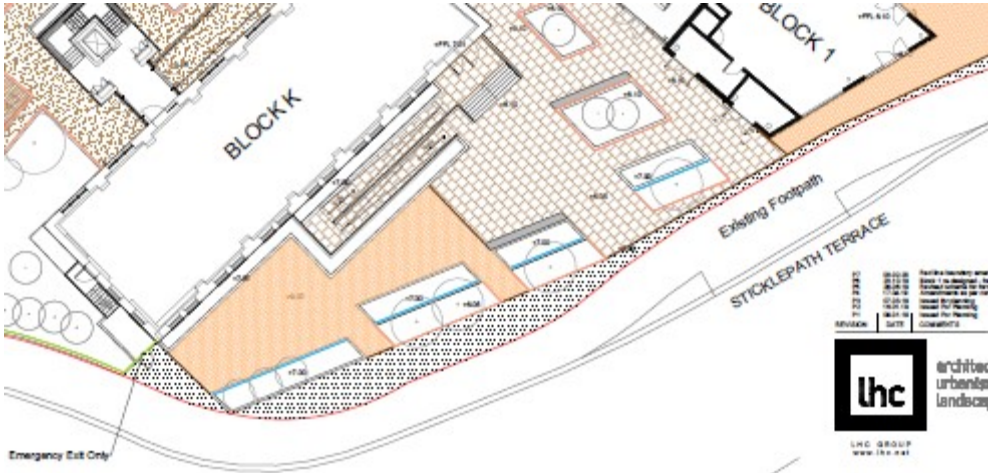
Boundaries with the Highway

The boundary to the A3125 comprises a secure fence with planting. The Town Council have requested that this planting be maximised. The private parking court will be for residents of the Oliver Buildings only with a secure boundary around the public facing areas. These will be a mixture of metal railings and brick walls to match the local vernacular of the Oliver Buildings.

Planting within the private parking courts is a mixture of shrubs for essential screening of neighbouring buildings and road, combined with ornamental trees and shrubs in key locations closest to the Oliver Buildings.



The Design and Access statement indicated that the outer courtyard landscape facing Sticklepath Terrace will be reminiscent of an 'industrial courtyard'. This space will be semi enclosed from the main road with planting and decorative screening, however open at each end providing a semi public/ private character to the courtyard.



Infrastructure

Water Supply and Foul Drainage

Foul water from the surrounding development is gravitated through public and private sewers into a 600mm Section 185 (sewer diversion) sewer which outfalls to an existing South West Water Manhole reference MH4005 which is immediately upstream of the foul water pumping station. It is proposed to discharge foul flows to the existing combined sewer manhole within the North Devon Homes residential development.

The Outline Utilities Assessment (OLB_HYD_Z0_Z0_RP_ME_0100) indicates no issues with connecting with existing utility supplies.

SWW raise no issues with regards to the public water main or foul sewers.

Flood Risk

Levels within the development site range between 4.25m and 7.24m. The lowest levels are located to the immediate south of the Oliver Buildings and levels rise towards the northern boundary of the site where there is the flood defence wall along the frontage to the River Taw. The whole site is within Flood Zone 3, which is the high risk category, defined as having greater than 1% (1 in 100) chance of fluvial flooding annually or greater than 0.5% chance of tidal flooding in any given year.

The Anchorwood Bank development and the wider site (including the Oliver Buildings), whilst defined as Flood Zone 3, can be categorised as 'benefiting from defences' (i.e. not at high risk of flooding). These now provide an improved level of protection to 7.82mAOD (i.e. the design flood event level of 7.22 plus an allowance for wave action of 600mm). Ground levels behind these defences are understood to have been raised to circa 7.25mAOD. The Oliver Buildings site will remain protected from the 1% fluvial and 0.5% tidal events over its proposed development lifetime.

The lower sections of the site remain at residual risk of flooding in the event that a breach of the flood defences were to occur, and the resultant flooding in such an event would be significant (potentially greater than 3m depth). All residential development is above ground floor (this being 7.30mAOD), with less vulnerable commercial uses on the ground floor. The commercial areas will need to include measures to address resistance and resilience wherever practicable. The proposals accord with policies ST02 and ST03. The EA have considered the FRA (*OLB-HYD-XX-XX-RP-D-5001*) which has been produced in line with the overall strategy for the site. It has been demonstrated that the site will remain safe from flooding over its lifetime.

All areas of the site to the north of the Oliver Building are at levels that ensure that safe access remains possible during the 1 in 200 year design event over the development design life. New access points are to be provided to the Oliver Buildings and, to maintain the existing elevations to the River Taw, these are to be via new pods to the south of the buildings. As the ground levels to the south are the lowest across the site, the scheme is to include a walkway serving all the residential elements at a level that is above the design flood event (running along the 1st floor). This is at a level of 7.58mAOD and connects directly to the higher ground to the north of the Oliver Buildings and as such safe access/egress remains at all times up to and including the design event. This also provides a secondary and safe means of evacuation from the lower ground floor areas should a residual event (failure of flood defences/ design exceedance event) occur.

Surface Water Drainage

The surface water drainage strategy will follow the principles set out for the wider Anchorwood development. Surface water generated by the Oliver Buildings site will connect to the existing surface water sewers provided as part of the wider development, it is proposed to connect to the site wide surface water drainage network at manhole S21.

DCC Flood and Coastal Flooding Risk Management Team advise that the applicant has put forward a feasible surface water drainage strategy which fits with the drainage

strategy for the wider development. The applicant has provided attenuation (detailed on drawing C1515500C410Rev A) based on a tidal locking scenario due to the tidal nature of the River Taw at this location.

A petrol interceptor is proposed to treat the surface water runoff prior to discharge into the River Taw. The applicant has also assessed the surface water drainage system for the 40% for climate change and assessed potential exceedance flow routes for rainfall events above the design event. The applicant has also provided a Technical Design Note on Drainage operation and maintenance Plan HYD-C05636-DMP.

Subject to conditions there are no surface water drainage issues.

Heads of Terms

- **Affordable housing**

As the proposed site is within the development boundary the requirement would be for 30% affordable housing provision. The applicant's Planning Statement states that Vacant Building Credit (VBC) means the proposed affordable provision would be zero in accordance with Policy ST18 of the Local Plan and paragraph 63 of the National Planning Policy Framework (NPPF). It reaches this conclusion because the proposed amount of floorspace being brought back into use and demolished is greater than the total area of the proposed new residential build.

The Planning Policy Team challenged whether the buildings had been abandoned. The response was that:

The original hybrid planning application was submitted in 2012 whilst parts of the Oliver Buildings were still in active B1 office use. Any construction activity in the buildings related to the Leaderflush and Shapland furniture making business had already ceased and had moved out into the wider industrial complex at the Anchorwood Bank site. The Sheffield Installation Group (SIG) had acquired Leaderflush and Shapland and through business rationalisation had concluded that the Barnstaple site did not meet its operational requirements; jobs were relocated to the East Midlands as a consequence.

The Oliver Buildings were not vacated in 2013 simply to facilitate redevelopment but was part of much wider structural change within SIG. Given the poor state of repair at the time and specific nature of the manner in which the buildings were designed (i.e. for furniture manufacture), there was next to no prospect of being able to find even a short term tenant for them.

The hybrid planning application sought outline approval for a variety of potential uses at the Oliver Buildings to enable a wide marketing strategy to be pursued. Since permission was granted in 2014 the remainder of the Anchorwood Bank site has either been developed, is under construction following approval of reserved matters or has secured planning permission for alternative uses (e.g. the retail park). Throughout this time, various solutions for the Oliver Buildings site have been tabled ranging from demolition, partial retention and redevelopment to now where no demolition is proposed. The designation of the

Conservation Area and Listing of the buildings has resulted in further complications in terms of securing a viable end use and it has taken time to factor in the implications.

Establishing the right solution does take time and there is always a need to respond to market conditions; all the above factors have now come into alignment and a viable proposed has been submitted for approval. There has been no sense in allowing the building to continue to fall into disrepair as costs only increase, but efforts have wisely focused in securing a development partner to secure regeneration. This has been the case throughout the planning stages of redevelopment of Anchorwood Bank and in no sense have the buildings been abandoned.

Vacant Building Credit applies and as such affordable housing cannot be secured.

- **Public Open Space**

DM10 sets out the policy requirements for POS. An offsite contribution of £121,492 has been requested.

- **Education**

The following contributions have been requested:

1. Primary Education - £176,209
2. Secondary provision-£144,678
3. Primary school site acquisition £48,620
4. Early Years £11,000

- **Impact on Braunton Burrows SAC**

Financial contribution to the management of the SAC costed at £100 per unit

Viability Appraisal

The application has been supported by a Viability Estimate/Cost Plan both of which have been independently reviewed given the complexity of the scheme. The Cost Plan is considered '*fair and acceptable in the current market*'. Planning Practice Guidance advises that an acceptable developer profit is likely to be between 15% and 20% of GDV and should reflect risk. The North Devon Local Plan viability evidence base assumes that open market profit is to be 20% on GDV. This is a complex scheme with several unknowns and added implications from the limitation over works to the listed building. Our Advisors have applied a range of 'sensitivity' tests and the one that results in the absolute best-case scenario, produces a profit on value of 16.23%. NDC's independent advisors are '*therefore comfortable that even in an absolute best-case scenario, and reflecting the risk inherent in this best-case scenario, that there is no viability surplus that would be available for paying planning contributions*'.

The Applicant at the Design Review Panel indicated that the standalone buildings were not necessarily essential to the scheme but were required to bring a focus to the site as a whole. This is reflected in the Viability Assessment. Our Advisor confirms that *'This is slightly unusual in that the new build elements of schemes like this are usually intended to subsidise the refurbishment whereas in this case they do not achieve PPG profit guidelines as standalone developments. Should the Council have any issue with any of the new build elements they may be able to be amended without affecting overall scheme viability.'*

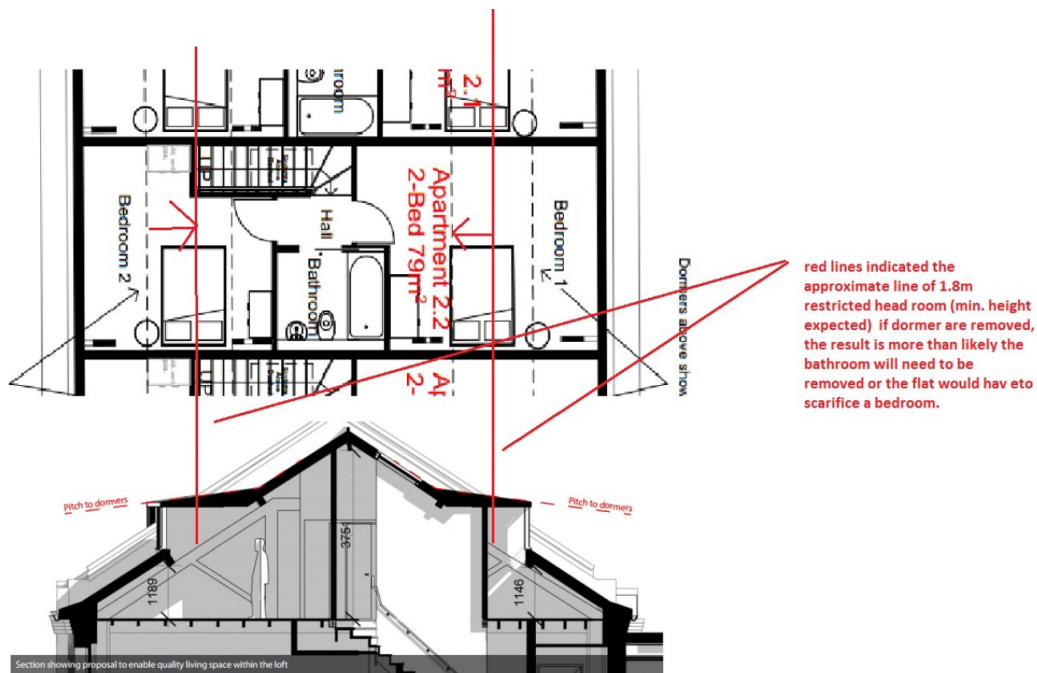
*We have also been asked to consider whether we can provide an opinion of the viability impact on the replacement of the proposed dormers within the Oliver Buildings with rooflights. As can be seen from our sensitivity testing, we agree with the applicant's basic assertion that the development does not hit the viability thresholds as set out in Planning Practice Guidance and the North Devon Local Plan and therefore any deterioration in viability will take the scheme further from these thresholds. Provision of dormers does not 'tip the balance' in favour of viability, the scheme is unviable regardless. **The scale of the negative viability impact is difficult to judge and the Council could ask the applicant to present a case, perhaps based on a revaluation by Stags of the dwellings without dormers.** However, regardless of the scale it will be below Planning Practice Guidance levels of viability and therefore the Council may instead wish to determine whether the dormers are acceptable in the planning balance irrespective of viability.*

The applicant has advised:

As you can see from the below extract from Nicholas (Bond Oxbridge Property), his opinion was £20-25k (please see email below). Speaking to Stags, their opinion was £10k per room, back and front, so £20k per flat as there are 2 bedrooms per floor. So similar assessments in both cases.

Broadly I'd agree with the above assessments of approx. £20k, however, both of these opinions were based on a scenario that the resulting change from dormer to velux wouldn't result in a impact on the room sizes/ useable space. However, I've just crudely sketches the attached, which shows that with the loss of the dormers the useable floor space will be diminished in what are already tight rooms. The result of the lost useable space is that the beds would have to move towards the apartment's centre and this in turn would mean that we would have to sacrifice either one of the bedrooms or the bathroom. **The impact of this scenario, would be far greater and could be up to £100k per unit as they would now all be 1 beds** (there is no room for a bathroom on the floor below).

In summary, the best case scenario of removing the dormers is a loss of £20k per top floor unit, but it is more than likely it would have far greater impact.



The site has lain vacant for a considerable period of time and the work the Authority has done with the applicant is demonstrating that even minor changes to the design will have a significant impact on value and hence viability. In this instance it is considered that a robust case has been made that the scheme viability would be seriously affected if the dormers were to be removed.

Other Matters

Environmental Health recognise the previous uses of the site and require a Contamination Report. This can be dealt with by conditions.

Conclusion

The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. Paragraph 213 sets out that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the NPPF, the greater the weight that may be given.

Paragraph 11 states that at the heart of the NPPF is a presumption in favour of sustainable development which for decision taking means approving development proposals that accord with the development plan without delay. The proposed development is acceptable in principle because it represents sustainable development of this site in line with core planning policy ST01 with the priority for growth being situated in Barnstaple as set out in the Local Plan (policies BAR, ST06 and ST08). Policy BAR12 supports the redevelopment of Anchorwood Bank for a mixed use scheme

Finding a solution for this site is essential as the continuing deterioration of these listed buildings remains a concern and the regeneration of this very prominent riverside site

will assist with maintaining the viability and vitality of the wider Barnstaple Town Centre. The key consultees are continue to highlight the reasons why the Oliver Buildings were given listed status and the contribution that they make to Barnstaple. They stress that they are worthy of careful and considered treatment that does not cause harm or diminish their special interest. As set out above significant weight need to be given in any decision making to ensure a scheme of quality is secured. The NPPF states in paragraph 193 that great weight should be given in decision making to the conservation of heritage assets. Paragraph 194 of the NPPF states that any harm (no matter the level) should be clearly and convincingly justified. Where harm is caused, it is for the local planning authority to decide if that harm is outweighed by public benefits of the proposal, including securing its optimum viable use (NPPF 196).

As set out in the report, the technical issues around drainage, infrastructure, highway access meet the requirements of policy. As an edge of centre site, the provision of onsite car parking is considered at an acceptable level given the sustainable location with easy access to public transport and cycle routes including the Tarka Trail. The ecological mitigation strategy addresses the impact on protected species and the landscape plans show a significant enhancement of onsite biodiversity and improvements and delivery of a new public realm.

The Conservation Officer has challenged the need for the new block (Block 1) and questions whether aspects of the works of conversion including the provision of dormer windows is justified. The Viability Appraisal has reviewed the scheme as a whole and concludes that even with the most optimistic scenario the return does not equates to the levels set out in the NPPF. This does not mean that the scheme is not viable only that it cannot support additional loading through the s106 regime. Similarly if the dormers are removed the form and nature of the units will alter and their value will diminish. This is an allocated site within the local plan for development, it is a brownfield site where regeneration is encouraged, it is a prominent site within the Conservation Area that is currently neglected and results in visual harm. The scheme when considered as whole in heritage terms results in less than substantial harm providing the public benefits can be demonstrated.

In accordance with policies ST04 and DM14, the scheme will secure a high quality development and a high standard of amenity resulting in the creation of a new and publicly assessable public realm next to the River and on the Tarka Trail which is a nationally renowned cycle route. There is public benefit to delivering a comprehensive mixed-use proposal on this site by way of securing the viable long-term future of this designated heritage asset whilst also delivering a sustainable form of development on the edge of Barnstaple town centre, including 50 residential units that will contribute to housing supply and the choice of homes in the District as well as additional commercial uses with their associated jobs and economic investment.

The redesigned Block 1, which is proposed in an area that does already include some small scale structures and is on part of the site that is very run down and derelict in appearance is now considered appropriate in scale in respect of its relationship to the listed building and the wider public realm and will help to frame the Oliver buildings rather than compete with them. It is considered that better detailing should be incorporated into Block 2 to reflect some of the finer design aspects of the Oliver buildings such as proposed window detailing, siting and sizes, and the potential

inclusion of red brick banding similar to that on other blocks. This would help to satisfy the requirements of policies ST04, DM04 and DM07 but with such minor changes being delegated the overall scheme is acceptable.

The in principle policy acceptance of this development as part of BAR12, has been balanced against any potential impact on the surrounding heritage assets including the Oliver buildings, the Longbridge, the Old Slaughterhouse (Halfords) as well as the Conservation Area in accordance with Policies ST15, BAR12 and DM07 of the adopted Local Plan and the public benefits of the sites regeneration, the delivery of new housing and commercial floorspace are considered to outweigh the less than substantial harm to the heritage assets.

For the reasons set out above the application is considered to accord with the adopted development plan and the NPPF. 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

Recommendation

Approved: Delegated Authority is sought to secure minor design revisions to Block 2 and revisions to the Use Classes applied for as set out within the report (if not already secured by the date of the Planning Committee) and to apply the following conditions (amended as necessary to reflect the revisions).

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 approved plans as listed out on the Drawing Issue Sheet P0.10 (*as revised?*) and the recommendations contained within the following documents
***** (*to be listed*)
(‘the approved plans and details’).

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of delivering a scheme which safeguard the character and appearance of the listed building, the setting of heritage assets and which secures amenity, limits flood risk and the impact on ecology and biodiversity.

3. No work shall commence on any part of the development hereby permitted until:

a) a detailed finishes schedule which shows full details (including samples) of the materials to be used in the construction of the proposed development/conversion works and

b) a detailed finishes schedule of the public realm areas to include design of the cycle racks, the design of the screens, seating and bins and colours of the paving and other hard surfaces

have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved materials.

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. Notwithstanding condition (3) above a method statement and sample panel of the brickwork to be used on Block 1, to include, colour, bond and detailing to demonstrate the delivery of the graded polychromatic colour range shall be submitted to and approved in writing by the Local Planning Authority prior to the brickwork commencing on site. The development shall be carried out in accordance with the agreed details.

Reason:

In the interests of the appearance of the development, locality, the setting of adjacent listed buildings and the conservation area.

5. The final design of the framing around the commercial fascia's including any provision to be made for projecting signage and lighting shall be submitted to and approved in writing by the Local Planning Authority before being installed on site in accordance with these agreed details. (See separate note about advertisements)

Reason

To ensure that the detail of the scheme results in appropriate detailing which adds to the visual quality of the public realm in the interest of the setting of heritage assets.

6. Before work commences on its provision, details of the design and materials of construction of the Plant Room and any associated landscaping shall be

submitted to and agreed in writing by the Planning Authority before being undertaken on site in accordance with the agreed details.

Reason

To enable the Planning Authority to consider details not yet submitted as part of the application and to ensure that this structure does not detract from the setting of the listed building and that it can be adequately screened from public view.

7. No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the parts of the development can achieve the stipulated final BREEAM level as set out in BREEAM Appraisal Document reference OBC-HYD-XX-XX-DN-XX-0001

No building (the subject of the assessment) shall thereafter be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating GOOD has been achieved for this development

Reason

To ensure that design and detailing maximises the contribution that this site will make to sustainability.

8. The use of the Units 3A, 3B, 3C and 4 for the purpose within A5 of the Use Classes Order shall be restricted to the hours of ****to ***Monday to Saturday and ***to ****on Sundays or Bank Holidays.

The use of the premises for any other approved commercial use shall be restricted to the hours of 07.00hrs to 23.00hrs Monday to Saturday and 09.00 to 21.00 on Sundays or Bank Holidays.

Reason:

In order to minimise any detrimental impact on the amenities of occupiers of nearby properties outside reasonable working hours in accordance with Policy DM01 and DM02 of the North Devon and Torridge Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing numbers 16032_L94.01 and 16032_L94.02) shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason:

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

10. The development shall be undertaken in accordance with the Mitigation and Compensation Measures set out in Appendix 7 of the Ecological Impact Assessment January 2019. These works shall be fully completed before the development is occupied or as specified in the Assessment.

Reason

To ensure that protected species on the site are fully accommodated as part of the development and to maintain and increase the ecological diversity of the site.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) the development (*insert the Units to which the use restrictions apply*) hereby permitted shall be restricted to uses within Class ***** of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes whatsoever.

Reason:

Only the proposed use is appropriate and any other use would need to be the subject of a separate application to be considered on its merits.

12. A Flood Resilience Plan for the Commercial floor areas and the lower basement storage area showing for example: the use of water resistant building materials, decorative finishes, the location of electricity meters and sockets, and readily repairable designs shall be submitted to and approved in writing by the Local Planning Authority before these areas are fitted out for use.

Reason

To limit the impact on the site in times of flooding.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf

13. Contaminated Land Condition
Prior to the commencement of the development hereby permitted a land contamination assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority:

(a) A land contamination and site investigation report detailing potentially contaminating previous uses of the site all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. Where the report relies on previously reported assessments or investigations the suitability and adequacy of such information shall be discussed. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

(b) The land contamination assessment and any site investigations shall be carried out by a suitably qualified and accredited consultant/contractor and in accordance with a Quality Assured sampling and analysis methodology.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

14. Prior to occupation of the buildings hereby permitted:

(a) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing.

(b) A verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include details of the proposed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site.

(c) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the completion report.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

15. Environmental Noise Impact Assessment

Prior to commencement of the development and thereafter prior to the use of any of the Units for Uses within Use Class *****, an environmental noise impact assessment and associated noise mitigation scheme shall be agreed in writing with the local planning authority. The assessment shall be prepared by a suitably qualified and experienced person (Member of the Institute of Acoustics or equivalent).

The assessment shall include consideration of all significant environmental noise sources including noise from road traffic. The assessment shall also consider the potential for the proposals to impact existing and approved residential properties in the vicinity. The report shall have regard to the range of times when noise may be an issue, any external residential amenity areas and background noise levels at sensitive times where relevant. The report shall refer to relevant standards and guidance for the assessment of noise affecting residential properties. The report shall also include a description of any noise mitigation measures proposed.

Thereafter, the agreed noise mitigation scheme shall be implemented in full and noise mitigation measures incorporated within the development to the written satisfaction of the local planning authority.

Reason:

To establish base line noise levels and protect the amenity of residents from the potential effects of noise through appropriate mitigation.

16. Prior to their installation should any commercial unit wish to install external plant or equipment of any format that has the potential to impact sensitive neighbouring uses full details of the design and position, noise outputs and any associated mitigation (Including hours of use) shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the agreed details and then removed when no longer required.

Reason

In order to safeguard the amenities of the occupiers of the residential units within this development.

17. Construction Environmental Management Plan Condition
Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-

- a) measures to regulate the routing of construction traffic;
- b) the times within which traffic can enter and leave the site;
- c) details of any significant importation or movement of spoil and soil on site;
- d) details of the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction

activities; dust suppression;

h) a noise control plan which details hours of operation and proposed mitigation measures;

i) location of any site construction office, compound and ancillary facility buildings;

j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;

k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

l) Reference to the findings of a specialist asbestos survey of the site and measures identified for the safe treatment of asbestos containing materials where relevant.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason:

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.

18. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:
- a) Monday - Friday 08.00 - 18.00,
 - b) Saturday 09.00 - 13.00
 - c) nor at any time on Sunday, Bank or Public holidays.

Reason:

To protect the amenity of local residents

19. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason:

To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure

that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

20. Before any commercial use is brought into operation a site management plan for the servicing of these units shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall include permanent signage indicating the access route and temporary parking locations for delivery vehicles and when the commercial vehicles may enter the site. No access to the piazza shall be allowed from the public highway.

Reason

To limit the impact on the shared car parking area in the interest of limiting the impact on the wider highway network.

21. No dwelling/part of development shall be occupied until the rear courtyard has been laid out in accordance with the plan ***** with space for 59 cars to be parked and for the loading and unloading of commercial vehicles/and for vehicles to turn so that they may enter and leave the site in forward gear and then these areas shall not thereafter be used for any purpose other than the parking and manoeuvring of vehicles.

Reason :

To ensure adequate parking and servicing facilities are available to the occupiers of the dwelling/development and to avoid traffic danger and inconvenience to highways in accordance with Policies DM05 and DM06 of the North Devon and Torridge Local Plan.

Informatives

1. The applicant is also referred to the conditions applied to Listed Building Consent 66138
2. Advice to applicant – Pollution Prevention
We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 – Works and maintenance in or near water, PPG6 – Working at construction and demolition sites and PPG13 – Vehicle washing and cleaning. These can be viewed via the following link: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.
3. Advice – Flood Resilience
In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce

rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:
http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

It would also be advisable for the applicant to prepare a flood plan which outlines how the businesses will respond to a flood. Further advice on this can be found in the following link:
<https://www.gov.uk/prepare-for-a-flood>

4. Plus other standard informatives

Inserts

Location Plan
Representations received
