

Application Report

Strategic Development & Planning
Place Services
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	71912	Application Expiry:	1 September 2020
Application Type:	Non-Material Amendment	Ext Of Time Expiry:	
Parish/Ward:	Barnstaple/Roundswell		
Location:	Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS		
Proposal:	Application for a non material amendment to planning permission 71405 to change approved timber cladding to a composite material for the elevations		
Agent:	Miss Molly Leonard		
Applicant:	Parkwood Leisure Ltd.		
Planning Case Officer:	Ms J. Watkins		
Departure:			
EIA Development:		EIA Conclusion:	
Decision Level/Reason for Report to Committee:	Committee – the application is on NDC land		

Site Description

The Site is approximately 1.5 ha in area and is located within the Seven Brethren area of Barnstaple adjacent to the River Taw, the Tarka Trail and the long and short stay car parks. It forms part of the sports complex comprising Tarka Tennis and Falcons Gymnastics Academy. An all weather pitch is to the south west behind the tennis centre.

Recommendation:

Approved
Legal Agreement Required:- No

Planning History

Planning	Decision	Decision Date
71516		
Address: Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS		
Proposal: Approval of details in respect of discharge of conditions 6 (discontinuance order for existing leisure centre), 11 & 12 (remediation strategy), 13 (foundation works) 14 & 15 (surface water drainage), 16 (construction environment management plan), 17 (noise impact assessment), 19 (landscape and ecological management plan) and 20 (protection of trees and hedges) attached to planning permission 63351 (outline application for the erection of a new swimming facility in an extension to the existing centre to include 25m swimming pool & learner pool, sports hall & associated facilities; together with external works comprising the provision of a new full size 3G artificial grass playing pitch, extension of the existing car parking, relocation of HGV parking to accommodate the new car parking, hard & soft landscaping)		
63351	Outline Approval	20 December 2017
Address: Tarka Tennis Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS		
Proposal: Outline application for the erection of a new swimming facility in an extension to the existing centre, to include 25m swimming pool & learner pool, sports hall & associated facilities; together with external works comprising the provision of a new full size 3G artificial grass playing pitch, extension of the existing car parking, relocation of HGV parking to accommodate the new car parking, hard & soft landscaping		
66445	Reserved Matters Approval	22 May 2019
Address: Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS		
Proposal: Application under Regulation 3 of the T & C P General Regulations 1992 for Approval of Details in respect of Reserved Matters Application for artificial grass pitch (layout/scale/appearance and landscaping) along with levels and means of enclosure (Outline Application 63351)		
66400	Discharge of Condition Approve	1 July 2019
Address: Tarka Tennis Centre, Seven Brethren Bank, Barnstaple, Devon, EX31 2AS		
Proposal: Approval of Details in respect of Discharge of Condition 11 (contamination), 13 (piling re floodlights), 14/15 (surface water management), 16 (construction management), 18 (lighting), 19 (LEMP), 20 (tree protection) attached to planning permission 63351 (Outline Planning Permission) in respect of the AGP works (Amended Description)		

71405	Approved	10 July 2020
Address: Tarka Tennis Centre Seven Brethren Bank Barnstaple Devon EX31 2AS		
Proposal: Reserved matters application for the erection of a new swimming facility in an extension to the existing centre, to include 25m swimming pool & learner pool, sports hall & associated facilities; together with the extension of the existing car parking, relocation of HGV parking to accommodate the new car parking, hard & soft landscaping (outline planning permission 63351)		

Constraints/Planning Policy

Constraint / Local Plan Policy

Adopted Existing Strategic Footpath/Cycleway:
 Advert Control Area Barnstaple
 Burrington Radar Safeguard Area
 Chivenor Safeguard Zone
 Historic Landfill Buffer
 Land is potentially contaminated
 Landscape Character is: 4A Estuaries
 Landscape Character is: 7 Main Cities and Towns
 Minerals and Waste Consultation Zone
 Public Right of Way:Footpath 204FP27
 Public Right of Way:Footpath 204FP9
 Within Barnstaple South Development Boundary ST06
 Within Adopted Mixed Use Allocation: BAR13 Seven Brethren
 Within Adopted Unesco Biosphere Transition (ST14)
 Within Braunton Burrows Zone of Influence
 Within Flood Zone 2
 Within Surface Water 1 in 100
 Within Surface Water 1 in 1000
 Within Surface Water 1 in 30
 SSSI Impact Risk Consultation Area

Distance (Metres)

Within constraint
 Within constraint

DM04 - Design Principles

ST01 - Principles of Sustainable Development
 ST04 - Improving the Quality of Development
 ST05 - Sustainable Construction and Buildings

Consultees

Name	Comment
Councillor G Lofthouse	I have serious concerns about the proposed changes to the look of the new leisure centre. I understand that Cedar cladding does not come in attractive colours and is of a plastic construction, not in

Reply Received 12 August 2020	<p>line with the councils environmental policy to eventually eliminate plastics with sustainable materials such as the original wooden cladding.</p> <p>Wooden cladding ages well and provides an example of a good public building which the council can hold up as an example to commercial developers, showing them what is possible. The new museum building is such an example. The leisure centre has already been compromised on renewables and BREEAM, now cost decisions will reduce it's architectural integrity.</p> <p>I'd be interested to know how the building is being procured and if any costs savings are being passed on to the council. What professional oversight for the; build, design quality and cost is in place?</p>
Parks, Leisure & Culture Reply Received 26 August 2020	<p>I'm writing to lend my support to the application for a non-material amendment to planning permission 71405 to change the approved timber cladding to a composite material for the elevations. As can be seen on the attached illustration, the external appearance of the building isn't greatly changed from the previously approved plans and the composite replacement for the timber cladding is far better suited to the salty environmental conditions associated with the site location on the river estuary. The appearance of the previously approved timber cladding as it aged was a particular concern for the planning committee members at the previous meeting and I believe the proposed NMA addresses these concerns.</p> <p>I note there have been some concerns expressed about the use of plastic materials on this building, but am happy to advise that the proposed composite timber cladding alternative is plastic free.</p>

Neighbours

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

Considerations

Proposal Description

This application seeks a non-material amendment to planning permission 71405 in respect of the external finishing materials.

Planning Considerations

This application for a 'non-material amendment' removes the need for an entirely new planning application to be submitted as only a very small change is sought. This application would form an amendment to the original planning permission and would be subject to the conditions and time limit of the original permission. It does not form a new planning permission.

There is no statutory definition of 'non material' as it dependant on the context of the overall scheme. Whether or not a change can be considered as a 'non-material

'amendment' is defined according to established legal concepts of materiality and is normally only a very small change to the development (what is referred to as 'de minimus').

Design

In this instance the material planning consideration is whether the design changes are acceptable in respect of adopted North Devon and Torridge Local Plan Policies quoted above.

The materials presented to the Planning Committee were as follows:

- 1- NORclad/Engineered Timber Cladding laid vertically (no specific colour proposed on the plan)
- 4- Kingspan composite cladding panels mix of 03 (dark grey) horizontal and vertical flat panels

The Planning Committee report contained the following illustration:



Revised plans have been produced showing minor changes to the approved materials and provide more detailed colour plans.

It is proposed to alter two types of proposed cladding, the changes are outlined below, and a proposed visualization is provided for illustrative purposes.

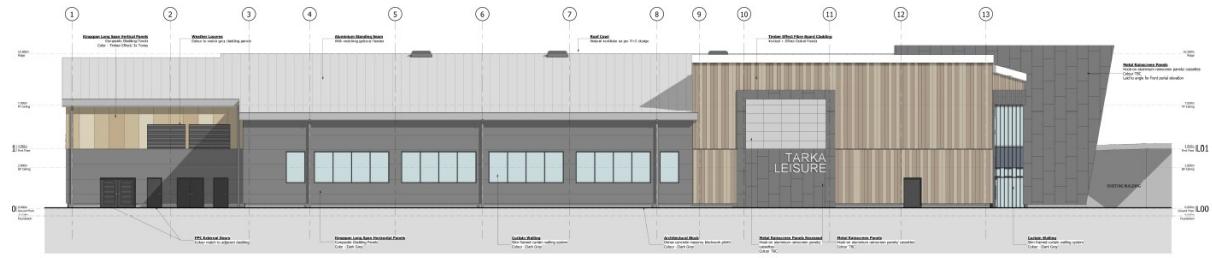
The proposed alterations:

- 1- A mixture of Cedral Lap; Grey Brown (C03) and Sand Yellow (C08) laid vertically (composite timber 'look' panels)
- 4- Kingspan composite cladding panels mix of 03 (dark grey) horizontal and vertical micro rib panels

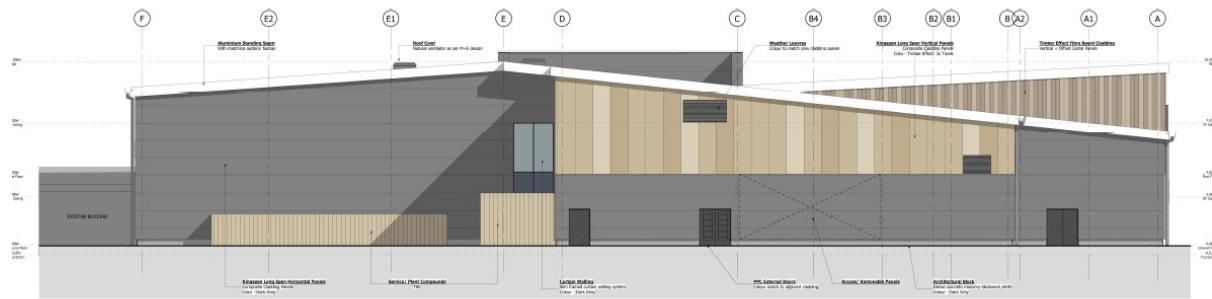
This results in the elevations looking as follows:



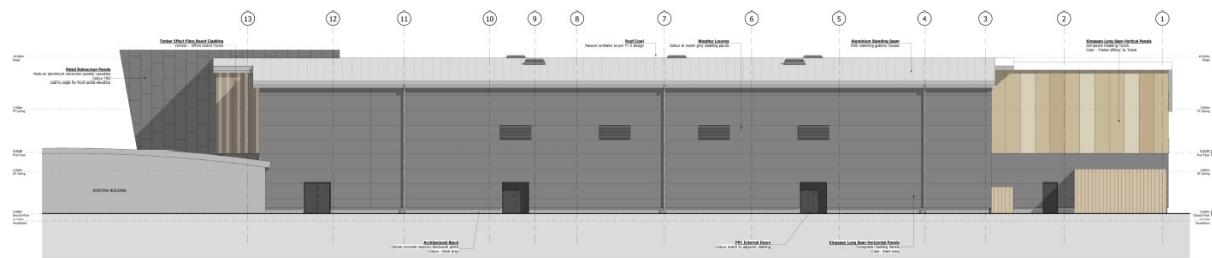
2 | West Elevation
1 : 100



1 | North Elevation
1 : 100



1 | East Elevation
1 : 100



2 | South Elevation
1 : 100

Timber Cladding

The approved plans detail that the cladding is timber as referred to under point 1 of the approved materials table. The use of timber cladding was raised as a maintenance issue by Councillors at the Planning Committee meeting and Members will recall that Mark Kentell of the Parks, Leisure & Culture Team confirmed that it was the intention to use a composite material.

There are concerns about NORclad timber cladding's ability to stand up to coastal conditions.

It is purpose of this application to formalise this change as the conditioned plan did not reflect this.

The timber composite cladding as proposed *initially* as part of this application is as illustrated below:

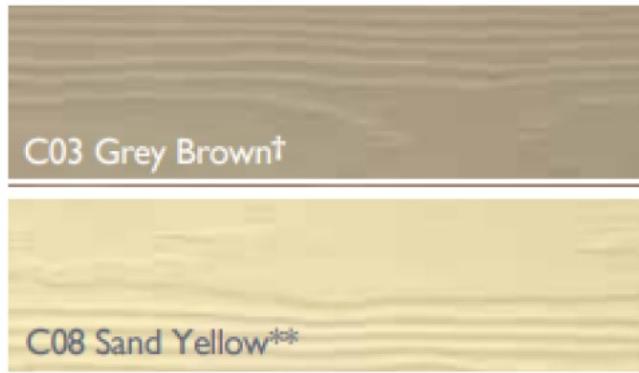


Figure 2. Proposed colours of the composite cladding.

On the 25th August the Local Planning Authority were advised that :

'it has now been confirmed that the 'sand' colour on the previously proposed materials is to be replaced with a 'Taupe' colour as per the attached diagram. The visual on the diagram is our previous proposal and so this will be updated along with the elevations plans this week, but the colour pallet is our proposal. This has been requested by the Parks and Leisure Team and has their approval'





The revised plans (*once received will be presented to the Planning Committee*) but the colour of the timber effect cladding is now **Taupe and Grey Brown**.

Grey Composite Cladding

The approved plan details that the cladding is to be flat under point 3 of the materials table. Due to manufacturing delays, the flat cladding in this specification is no longer available in the quantities and timescales required. It is proposed to use a very similar specification of cladding, however in a micro-rib finish rather than flat. The micro-rib will only be noticeable when directly in front of the building and so should have no major impacts to the overall finish.

Figure 3 shows the approved cladding style (**but in a different colour**), which is Kingspan composite cladding panels mix of 03 (**dark grey**) horizontal and vertical flat panels.



Figure 3. Approved flat style composite cladding.

Figure 4 shows an example of a micro-rib finish, but the specification will be Kingspan composite cladding panels mix of dark grey and 3x timber tones horizontal and vertical micro rib panels.



Figure 4. Proposed micro-rib style composite cladding.

The proposed cladding will have the same performance and fire ratings as the previously approved cladding, the alteration is merely to the surface texture and the addition of timber toned panels in strategic areas to break up the dark grey panels

It is considered that the changes will have minimal impacts on the appearance of the building.

Conclusion

The proposal is for a very small change to the development already granted planning permission. The proposed amendment does not alter the development significantly from what was approved on the original planning permission and does not conflict with any conditions of the permission. No adopted planning policy is breached.

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

Legal Agreement Required:- No

NON MATERIAL AMENDMENT APPROVAL

Having now considered the submitted details (Revised plans awaited to update colours) the Local Planning Authority have determined that these are acceptable as a non-

material amendment to application 71405

The works are now required to be carried out in accordance with these details.

You are reminded that this decision has to be read in conjunction with application 71405 and the conditions and informatics relating to this previous consent remain applicable.

Appendices

1. Location Plan