

# PLANNING COMMITTEE REPORT

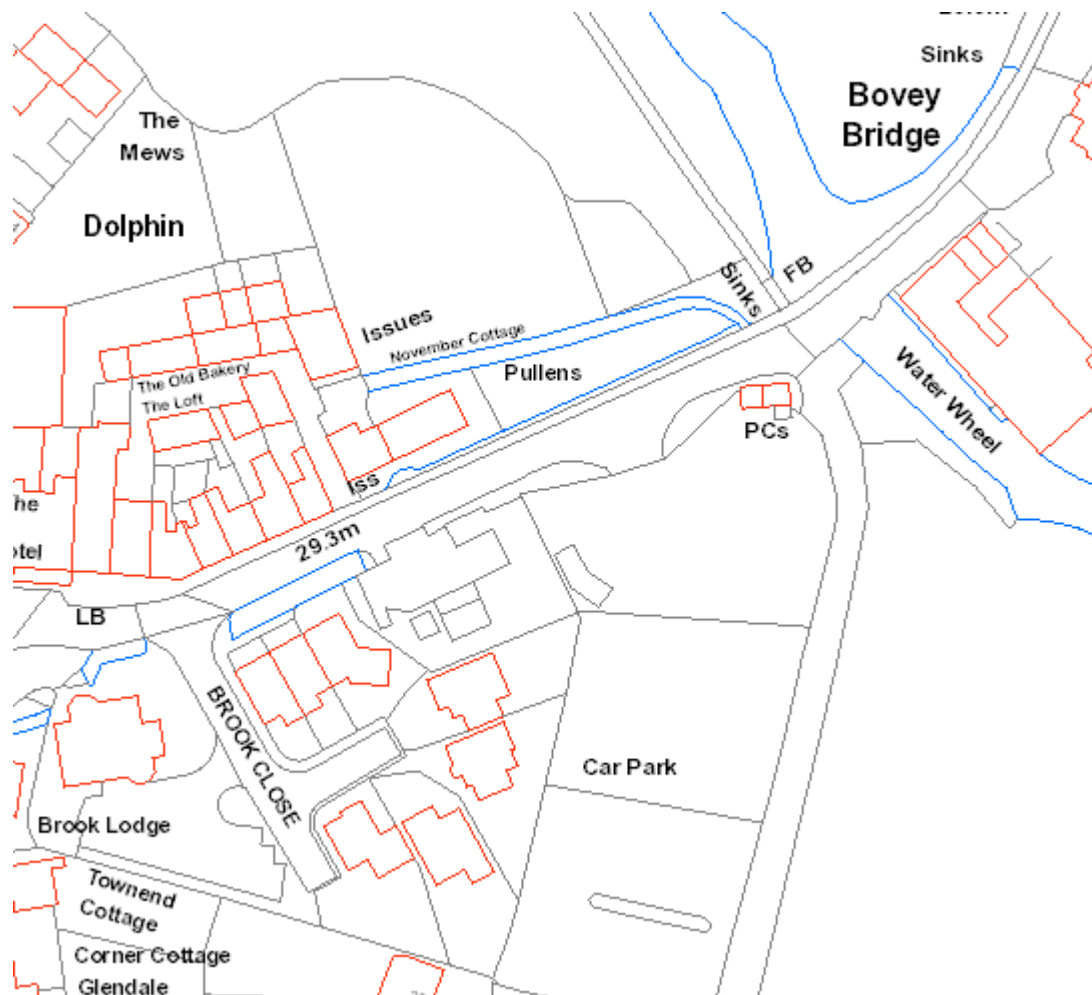
## 15 May 2018

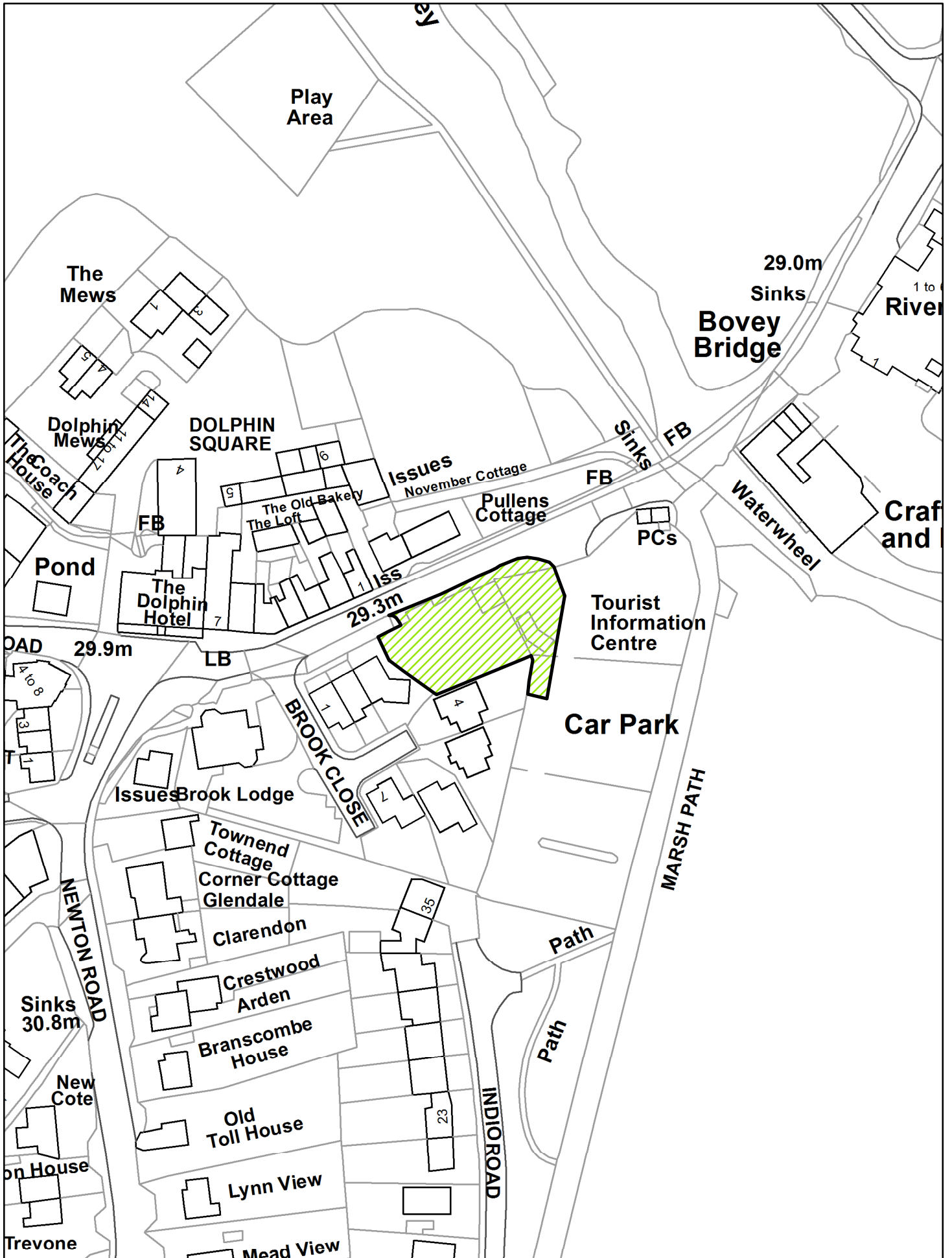
CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>BOVEY TRACEY - 17/02751/FUL - The Lower Car Park, Station Road - New community hub building</b>	
<b>APPLICANT:</b>	<b>Bovey Tracey Town Council</b>	
<b>CASE OFFICER</b>	<b>Angharad Williams</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Gribble Councillor Kerswell Councillor Morgan</b>	<b>Bovey</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02751/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02751/FUL&amp;MN</a>	

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## 1. REASON FOR REPORT

The application is brought to the Planning Committee given that part of the site is on Teignbridge District Council-owned land.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for implementation;
2. Development shall be carried out in accordance with approved plans/documents;
3. Prior to commencement of development, details of hard and soft landscaping (including boundary treatments) shall be submitted and approved in writing by the Local Planning Authority;
4. Prior to commencement of development, details, material sample and specification of stonework for proposed dwarf walls and stone to be used on main building, including specification for pointing and bonding shall be submitted and approved in writing by Local Planning Authority;
5. Prior to commencement of development, specification details and a sample of the material for the roof, and ridge tiles, including fixing details, shall be submitted to the Local Planning Authority for approval;
6. Prior to works above dpc level, details of window recession, colour of window frames and details and specification of rainwater goods, including fascias shall be submitted to and approved in writing by the Local Planning Authority;
7. Prior to commencement of development, Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority;
8. Prior to commencement, an implementation of a programme of archaeological work to be undertaken in accordance with a written scheme of investigation, which shall be submitted to and approved by the Local Planning Authority;
9. Prior to commencement, submission of a detailed design of the proposed permanent surface water drainage management system shall be submitted and approved by Local Planning Authority;
10. External Lighting shall be carried out in accordance with the approved External Lighting Assessment as prepared by Smith Consult (dated 8 February 2018). All external lighting to be maintained in accordance with this document;
11. Prior to works above dpc level, details including floorplan, elevations and materials of the proposed maintenance shed located to the south east of the site shall be submitted to and approved in writing by Local Planning Authority;
12. Within three months of the building hereby approved being brought into use, the provision of a minimum of two bird boxes shall be fixed to the building, in accordance with paragraph 5.8 of the approved Ecological Survey.
13. Development to be carried out in accordance with the updated and hereby approved Flood Risk Assessment (Bovey Tracey Community Centre, JRC Consulting Engineers, April 2018), including the requirement for Finished Floor levels to be no lower than 29.2m AOD.
14. Prior to commencement of development, the submission of a scheme to minimise flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted and approved in writing by the Local Planning Authority.
15. Prior to the development hereby approved being brought into use, a Flood Warning and Evacuation Procedure Plan will be submitted to and agreed in writing by the Local Planning Authority.

### 3. DESCRIPTION

#### The Application Site

- 3.1 The application site is located to the south of Station Road in Bovey Tracey, and is approximately 0.11 hectares in size.
- 3.2 The site lies toward the centre of Bovey Tracey, close to the Devon Guild Grade II Listed Building and Grade II Bovey Bridge. Accordingly, the site is also situated within the Bovey Tracey Conservation Area. The site occupies a prime position within the town which presents the opportunity for a key building.
- 3.3 The site is referred to as the 'lower car park' site at Bovey Tracey, but the majority of the application site was formerly the site for the Old Thatch Inn, which was destroyed by fire damage some time ago.
- 3.4 The application site also includes the part of the car park that accommodates accessible parking spaces and the tourist information centre.
- 3.5 The site is surrounded by a mixture of uses which are predominately residential and shop frontages. The River Bovey lies along the eastern border, with a number of café/restaurants lying to the west.
- 3.6 In terms of planning policy, the site lies wholly within the settlement boundary, but does fall within flood zone 3b.

#### The Application

- 3.7 The application constitutes a full planning application for the provision of a new community building. The proposed works would consist of a new build, single storey structure, which would accommodate 4 key town services including:
  - The Town Library
  - The Community and Tourist Information Centre;
  - The Town Council (Offices and Chambers)
  - The Public Toilets.
- 3.8 The application is supported by a number of documents including a Design and Access Statement (Planning Statement, Heritage Statement and Flood Risk Assessment), together with accompanying plans.
- 3.9 It should be noted that the existing outbuildings on site (currently occupying the public conveniences and tourist information centre) would be removed, with the proposed development encompassing them.
- 3.10 Whilst there would be some reduction in the area of the existing car park to allow for it to accommodate the proposed building, 3 accessible spaces would be provided to replace the 2 that would be lost. Overall there would be little change to parking capacity.

## Background

- 3.11 The project was initiated by the need for the Town Council to find a new home within Bovey Tracey. The existing Town Hall had been identified as requiring substantial repair if it were continued to be used. The Town Council therefore decided to sell the building. This has brought about the need for a replacement building, with the proposed site considered to be most suitable.
- 3.12 Given the constraints of the site in terms of the Conservation Area, Listed Buildings, Flood Zone and town centre location, the design of the proposed building has clearly been highly contemplated. Meetings have been undertaken with the Council's Conservation Officer and Case Officer in order to ensure that design and materials relate to the historic context of Bovey Tracey, whilst also introducing a modern addition to the town which is legible and accessible.
- 3.13 It is understood that a public consultation was carried out over two weeks with presentation boards displayed in the town library. Feedback from the consultation was taken on board including alterations to the materials, provision of more glazing and the use of slate as a roof material.
- 3.14 Following further engagement with the Conservation Officer and Case Officer, the resulting design and materials selection is considered to be of a high quality and suitable for this development.

## Planning History

- 3.15 There is no planning history on this site, other than the knowledge that the site was previously occupied by the Old Thatched Inn which was destroyed by fire in 2008.
- 3.16 As noted above, part of the site is currently in use as a car park, with the tourist information centre and public conveniences located on the site.

## Key Considerations

- 3.17 The application seeks full planning permission for the development of a new community building.
- 3.18 The key issues in the consideration of the application are therefore:
- The principle of the development/sustainability;
  - Impact of the development upon the character and visual amenity of the area;
  - The impact of the development on the Conservation Area and nearby listed buildings;
  - Impact of the development on the residential amenity of the occupiers of the surrounding properties;
  - Impact of the development on biodiversity;
  - Flood and drainage impact of the development;
  - Highways impact of the development

## The principle of the development/sustainability

- 3.19 The site falls within the settlement limits of Bovey Tracey and within the Conservation Area. The site is also centrally situated within the Bovey Tracey town centre.
- 3.20 Policy S21A of the Teignbridge Local Plan (TLP) stipulates that development proposals within the settlement limit will be permitted where they are consistent with the provisions and policies of the Local Plan.
- 3.21 Policy EC9 deals with development proposals within town centres and outlines that development proposals will capitalise on heritage assets to support regeneration, encourage visitors and improve the environment, vitality and interest of each centre. Developments will be required to (where feasible) include a mix of uses, including maximising use of floors above ground level; enhance the immediate environment, including taking advantage of heritage assets to promote an improved shopper and visitor experience, support the vitality and viability of the town centre, and take opportunities to improve the character and quality of shop fronts.
- 3.22 The proposed development is considered to meet the objectives of this policy on all merits. The provision of a high quality designed community building will enhance the appearance of the town centre, as well as encouraging activity within the town, providing a better home for the public conveniences and tourist information centre.
- 3.23 The building will be open to the public, and includes a number of uses, as well as providing office space for the Town Council. The applicant's agent has also worked closely with the Council's Conservation Officer and Case Officer to ensure that the overall design and material palette enrich the local context of Bovey Tracey, and work sensitively with the historic assets in the immediate area. With regard to the character and quality of shop fronts, whilst the proposed development is not for a retail use, the architectural quality of the building is considered to be of merit and is considered to enhance the street scene. Accordingly, the proposed development is therefore also considered to comply with Policy EN5.
- 3.24 Lastly, Policy S19 relates to Bovey Tracey and highlights, under criterion (d), that support for a multi-use community building and public open space will be given on land at Le Molay-Littry Way. Whilst this is a different site, the policy states that there will be support for the provision of this facility. It is explained under the heading drainage below why the identified site was not considered the most appropriate in this circumstance.
- 3.25 The principle of sustainability of the proposed development is therefore considered to be acceptable.

Impact of the development upon the character and visual amenity of the area

- 3.26 Policy S2 of the TLP relates to the quality of development and outlines that new development should be of a high quality design in order to support the creation of attractive, vibrant places. This includes the need to make the most effective use of the site, and (amongst other matters), respecting the distinctive character of the local landscape.
- 3.27 The proposed building is single storey and proposes a variety of uses that will benefit the community. The design has evolved following a context analysis by the architect who looked at the local heritage assets, taking into account the potteries

and craft that centred around the Devon Guild. The design initially looked at referencing the pottery kilns but moved away from this idea as more industrial influences came to light which lent itself to inspiring a faceted roof design.

- 3.28 The revisions to the design have provided for a building which will be locally distinctive, legible and permeable. The building initially proposed a much longer arm on the western elevation, but following meetings with the applicant, this part of the building was set back, in order to give views across to the Devon Guild. Furthermore, the access to the centre was widened and is considered more appropriate in inviting users into the building.
- 3.29 The proposed development will also help consolidate the small number of buildings that currently occupy the site into one building, which in itself will have a positive impact on the immediate area.
- 3.30 Materials originally proposed brick for the main building but this was revised to stonework which was considered more appropriate.
- 3.31 The Conservation Officer is satisfied that the proposals are acceptable and does not consider that the development has any adverse impacts on the Conservation Area or the Listed Buildings.
- 3.32 With regard to Policy EN2A, the proposed development is considered to conserve and enhance the area's qualities, character and distinctiveness, and with appropriate conditions will protect wildlife and historic features. A condition has been recommended dealing with hard and soft landscaping to ensure that space around the building creates a soft and comfortable environment which enhances the public realm.
- 3.33 The proposed development is therefore considered to comply with policies S2 and EN2A and is not considered to have any negative impact on the character and visual amenity of the area.

The impact of the development on the Conservation Area and nearby listed buildings

- 3.34 The application is situated within the Bovey Tracey Conservation Area. The nearest Listed buildings include:
- Devon Guild of Craftsmen (Grade II Listed building approximately 40 metres to the east of the site)
  - Bovey Bridge (Grade II Listed building approximately 27 metres to the north east of the site)
  - Dolphin Hotel (Grade II Listed building approximately 92 metres to the east of the site)
- 3.35 As outlined above the development is considered to be of a high quality design. The design has evolved before and after the application was submitted and has had significant consultation with Officers of the Council.
- 3.36 The design is considered to enhance upon the local context, and provides improved vistas from either side of the Bovey Bridge.

- 3.37 Policy EN5 of the TLP relates specifically to Heritage Assets and notes that development proposals should respect and draw inspiration from the local historic environment. As outlined above, it is considered that this has been achieved, and the development is considered to be acceptable.

#### Planning applications affecting the settings of Listed Buildings

- 3.38 In coming to this decision the Council must be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.

#### Planning applications affecting Conservation Areas

- 3.39 In coming to this decision the council must be mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 3.40 Part 12 of the NPPF (Conserving and enhancing the historic environment) requires (in summary) for any “harm” to a listed building or a conservation area to be considered by the Council, and paragraph 134 of the NPPF states:

*“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 securing its optimum viable use”.*

Officers consider that this proposal if granted would not lead to any harm to the Bovey Tracey Conservation Area, or the listed buildings within the vicinity of the application site.

#### Impact of the development on the residential amenity of the occupiers of the surrounding properties

- 3.41 The application site is surrounded by a number of uses, including residential. It is therefore important that the amenity of the existing residents is considered. A site visit noted that the nearest residential properties to the site include dwellings situated at Brook Close, lying to the west. It was noted that one of these properties has windows at first floor level on the rear elevation, which do to some extent overlook the site. However, given that the proposed building is only single storey with an existing boundary wall between the development site and the residential property, there is not considered to be a significant impact on the occupier’s amenity.
- 3.42 Looking further afield, there are a small number of properties to the north west of the site, but these dwellings are considered to be at a sufficient distance from the site that the proposed development would not have an impact on the amenity currently enjoyed by the occupiers. It should be noted that no letters of objection have been received.



3.43 The proposed development is therefore considered to be acceptable in terms of its potential impact on the residential amenity of occupiers of the surrounding properties.

#### Impact of the development on biodiversity

3.44 The application site falls within the following Council-designated areas:

- Great Crested Newt Consultation Zone
- Bat Buffer Zone
- Bat Corridor

3.45 The application site is supported by an Ecological Assessment Report. The recommendation of the report advises that the application should be referred to Natural England given that the site is situated within the buffer zone of the Special Area of Conservation (SAC).

3.46 Natural England have been consulted on the application and advised that they have no comments to make. The standing advice issued by Natural England has been considered.

3.47 A condition is recommended which requires the provision of bird boxes to be fixed on the building as a biodiversity enhancement.

3.48 Following concerns about the external lighting of the building, an External Lighting Assessment was undertaken by Smith Consult and sought to demonstrate what impact an external lighting scheme may have and what mitigation measures could be adopted to limit light spill and disruption to the surrounding environment.

3.49 The Council's Biodiversity Officer has reviewed the report and advises that provided the development conforms to the lighting proposals in the report, there is a conclusion of No Likely Significant Effect on the Greater Horseshoe Bat flyway pinch point on the river, and therefore no need to complete an Appropriate Assessment.

3.50 Subject to the recommended conditions, the proposed development is considered to be acceptable on biodiversity grounds.

#### Flood and drainage impact of the development

3.51 The application site falls within Flood Zone 3 and 3b as stipulated by the Environment Agency's (EA) flood maps. Such areas are assessed as having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea in any year.

3.52 Policy EN4 of the TLP states that there will be a sequential approach to new developments which guides development to areas at lower risk of river and coastal flooding. The policy also outlines that where the regeneration or other sustainability benefits of a proposal can only be met on a site within flood zones 2 or 3 this will be taken into account in the sequential test.

3.53 Accordingly, a sequential test has been undertaken, and a Flood Risk Assessment provided.

- 3.54 The site is under the control of Bovey Tracey Council, and is one of two options that the Council had in looking for a development opportunity, the proposed site, and another site to the east of the B3344 (Le Molay-Littry Way). The alternative site, whilst located within an area of lower flood risk, is not considered to be the most appropriate location given that the proposal seeks to provide a new community centre. The proposed location is closer to the main street of Bovey Tracey and is already used for tourist information and public conveniences. The site also constitutes brownfield development, whereas the alternative would result in the development of greenfield land.
- 3.55 Accordingly, the EA has been consulted on the application and have provided a number of consultation responses given that initially there was an objection to the development on flood risk grounds. However, the latest response received from the EA confirms that following amendments to the revised FRA the EA withdraw their objection subject to the inclusion of conditions and the development's compliance with the submitted FRA.
- 3.56 The proposed development includes the following design features to address the identified flood risk:
- Raised floor level to 29.20 metres AOD
  - Use of materials that are resilient in flood risk;
  - Raised terrace fronting Station Road
- 3.57 In terms of surface water drainage, the Council's Drainage and Coastal Manager has advised that the surface water strategy is considered acceptable but recommends that a condition be associated with any grant of planning permission which enables a detailed design of the proposed permanent surface water drainage management system to be submitted to and approved in writing by the Local Planning Authority.

#### Highways impact of the development

- 3.58 The site will be accessed off Station Road. In accordance with comments received from Devon County Council the road has good visibility for all road users, the proposal is not considered to have a severe impact on the highway network and subsequently there are no objections to the proposal from a highway perspective subject to the recommended condition of a Construction Management Plan.

#### Conclusion

- 3.59 The proposed development seeks full planning permission for the construction of a community building, which will include provision of a library, meeting rooms and a tourist information centre.
- 3.60 The proposed development is considered to have been designed in manner that achieves good quality place-making, and reflects the local historic context. The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

#### 4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

##### **STRATEGY POLICIES**

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S6 (Resilience)

S12 (Tourism)

S13 (Town Centres)

##### **STRATEGY PLACES**

S19 (Bovey Tracey)

S22 (Countryside)

##### **PROSPEROUS ECONOMY**

EC9 (Development in Town Centres)

##### **QUALITY ENVIRONMENT**

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN11 (Legally Protected and Priority Species)

#### 5. CONSULTEES

Teignbridge Biodiversity Officer - No objections to the proposed development, and concludes that there is no Likely Significant Effect provided a condition is associated with any grant of planning permission which ensures that the development is carried out in accordance with the approved lighting plan.

Teignbridge Conservation Officer - No objections to the proposed development and does not consider that the development will adversely affect the setting of the listed buildings in the area. The Officer also considers that it will preserve the significance of the conservation area. Whilst in principle support for the application has always been given by the Officer, there was concern over the choice of materials for the main building. Following discussion with the applicant's agent this has now been resolved and stonework as requested has been proposed. Subject to recommended conditions, the Officer supports the application.

Teignbridge Drainage - Initially advised that insufficient information had been provided with the application about surface water. However, a second response received advised that subject to a condition regarding details of the proposed permanent surface water drainage, the development was considered acceptable.

Teignbridge Waste - No comments or observations to make.

Teignbridge Contaminated Land - No comments or objections to the application.

Devon County Council (Archaeology) - No objections to the proposed development subject to a condition which requires a programme of archaeological work to be carried out in accordance with a written scheme of investigation, prior to

commencement. Suggested that the community get involved with this work given that the proposal is for a community building.

Devon County Council (Highways) - No objections to the proposed development. Comments advise the safety of the B3344 and suggests that the existing access has good visibility. It is considered that the proposal will not have a severe impact on the highway network. Recommend condition for a Construction Management Plan.

Devon County Council (Lead Local Flood Authority) - Considers that more information should be submitted about disposal of surface water.

Environment Agency - Latest response confirms that initial objection to the development on flood risk grounds has been withdrawn.

The EA note that a finished floor level of 29.2 metres AOD is proposed, and provided that the development is constructed in accordance with this, along with a number of other conditions, including the need for a Flood Emergency and Evacuation Plan prior to the first use of the building, then the proposed development is considered acceptable. Conditions have also been recommended to address the EA's concerns regards surface water management.

Natural England - No comments to make on the application.

## **6. REPRESENTATIONS**

Two letters of support have been received and one comment on the application.

The comments of support emphasise how much the provision of the building will be an asset to Bovey Tracey, suggesting that it will act as a focal point and enhance community cohesion and integration.

The comment received relates to flood risk and questions how the development will mitigate flood risk elsewhere, in addition to raising questions about free car parking given that the current library offers a small provision of free car parking.

## **7. TOWN COUNCIL'S COMMENTS**

The Town Council note the application.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

**Business Manager – Strategic Place**