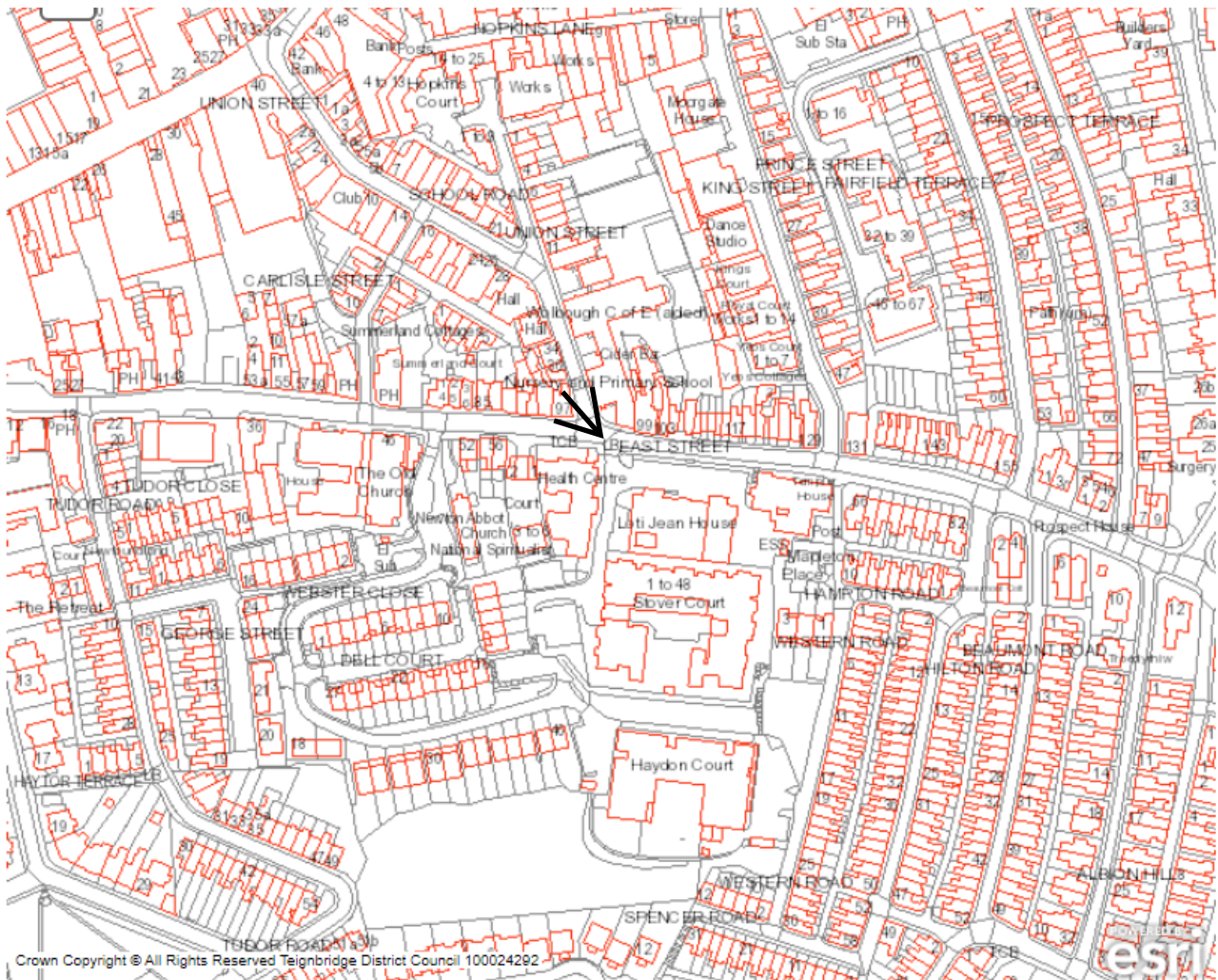


PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



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|---------------------------------------|---|----------------|
| APPLICATION FOR CONSIDERATION: | NEWTON ABBOT - 20/02390/LBC - Pedestrian Crossing, East Street & Scott Close Junction - Removal of part boundary wall to facilitate access improvements | |
| APPLICANT: | Mr R Kingsley-Smith | |
| CASE OFFICER | Gary Crawford | |
| WARD MEMBERS: | Cllr Janet Bradford Cllr Liam Mullone | College |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/02390/LBC&MN | |





Scale:
1:625

20/02390/LBC

**Pedestrian Crossing East Street & Scott Close Junction
Newton Abbot TQ12 1GJ**



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1. REASON FOR REPORT

Councillor Mullone has requested that this application is referred to the Planning Committee for the following reason:

- The Newton Abbot and District Civic Society believe this wall and its pillars to be a heritage asset since they are the only remaining testament to the old hospital / workhouse that stood on this site. They have identified several less destructive options that may fulfil the same requirement.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time limit.
2. Works shall proceed in accordance with approved plans.
3. Prior to the removal of the gate pier, details of the future use of the gate pier and the details of any new retaining structures shall be submitted to and approved in writing by the Local Planning Authority.

3. DESCRIPTION

The Site

- 3.1 The application site relates to an existing gate pier and boundary wall on the junction of East Street and Scott Close, at the entrance to the former Newton Abbot Hospital site. The former Newton Abbot Hospital central entrance block and attached walls and piers are designated as a Grade II listed building (List Entry Number 1257024).
- 3.2 Between 2012– 2014, the old hospital site on East Street was redeveloped to include retail units, a doctors surgery and residential properties. As part of the redevelopment, the entrance from East Street was widened by taking down the right-hand gate pier and gate, however, the left-hand gate pier was retained. The current pedestrian facility from East Street towards the retail premises is a “virtual footway” and “virtual zebra crossing” painted on the access road into/across Scott Close.

The Application

- 3.3 This application seeks listed building consent to demolish part of the curtilage listed wall and gate pier associated with the former Grade II listed Newton Abbot Hospital in order to facilitate access improvements at this junction. The submitted Design and Access Statement details that the existing vehicular entrance cannot support two vehicles passing without one or both driving over the virtual footway. The submitted Heritage Statement details that 10 accidents have been recorded in the vicinity of the old hospital site entrance/pedestrian crossing over a five-year period (01/01/15 - 01/01/2020).

Planning History

3.4 The most relevant applications are considered to be:

11/01454/LBC: Alterations to the Outpatients Block, Templer House and curtilage structures and single storey extension to the rear of the Outpatients building. Approved 29/2/2012.

11/01475/MAJ: Change of use of and extension to former outpatients building (Use Class A1/A3), Change of use and internal alterations to Templer House for mixed use of Offices (Use Class B1) Dental Practice (Use Class D1) and Veterinary Surgery (Sui Generis), Change of use of former maternity block to 3 town houses (Use Class C3), Change of use of Western Lodge to Office (Use Class B1), Change of use of Eastern Lodge (Use Class D1) and Outline application (permission sought for access, layout and scale) to provide Doctors Surgery (Use Class D1) and Offices (Use Class B1), residential development to provide 53 dwellings, 48 unit retirement home and provision of care facility (Use Class C2) with use of existing improved access points, new access and car parking. Approved 12/3/2012.

20/01741/PE: Removal of gate pier. Advised on 28/10/2020 that the simplest alteration would be to take down the wall between the two piers on the left hand side of the entrance to the site and to use the space between the two piers as a pedestrian access, using the dismantled portion of the wall to add to the protective length against the roadway. Advised that if the existing pier is to be removed, it should be re-built and re-attached to the wall elsewhere.

Impact upon Listed Building

3.5 Policy EN5 (Heritage Assets) of the Local Plan specifies that to protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Listed Buildings and Conservation Areas.

3.6 Paragraph 199 of the revised National Planning Policy Framework (NPPF) 2021 states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

3.7 Paragraph 200 of the NPPF details that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 of the NPPF specifies 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.

3.8 The Council's Conservation Officer has been consulted on this application and she has objected to the proposed works as she considers that the proposed removal of the gate pier would be harmful to the significance of the heritage asset. The Conservation Officer has commented further that the removal of the gate pier would

result in the further erosion of the historic elements of this site and further reduce its legibility and historic character.

- 3.9 In response to pre-application enquiry 20/01741/PE for this site and during the course of the current application, officers have suggested an alternative scheme to the applicant which officers consider would have less harm on the heritage asset by providing a new pedestrian access from East Street by taking down the wall between the two piers on the left hand side of the entrance. However, the applicant has commented that this alternative scheme is unworkable.
- 3.10 It is acknowledged that the removal of the gate pier would be harmful to the significance of the heritage asset. However, it is also acknowledged that proposal would provide public benefits as it would improve pedestrian safety on the junction of East Street and Scott Close. Given how much of the listed building has been compromised already by the existing development on the site, it is considered that the proposal would result in less than substantial harm to the significance of a designated heritage asset and when weighed against the public benefits, it is considered that, on balance, the public benefits of the proposal in terms of improvements to pedestrian safety would outweigh the harm to the heritage asset.
- 3.11 In the submitted Heritage Statement, the applicant has set out various options for the future use of the gate pier to be removed for this proposal. As no details with regards to relocating the pier have been agreed at the time of writing this report, it is considered necessary to include a condition with any permission which states that prior to the removal of the gate pier, details of the future use of the gate pier shall be submitted to and approved in writing by the Local Planning Authority. This condition also includes the opportunity for the LPA to consider details of any new retaining structures that may be required once the pillar is removed as a consequence of the levels at the site.

Conclusion

- 3.12 Although finely balanced, it is considered that the public benefits of the proposal would outweigh the harm to the heritage asset and the application is recommended for approval.
- 3.13 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 building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)
EN5 (Heritage Assets)

Listed Buildings and Conservation Areas Act 1990

National Planning Policy Framework

5. **CONSULTEES**

TDC Conservation Officer:

This application seeks consent for the demolition of part of the curtilage listed wall and gate pier associated with the former Grade II listed Newton Abbot Workhouse.

The workhouse was designed circa 1836 by the exceptionally famous architectural practice of George Gilbert Scott and William Moffatt, who went on to design the iconic Midland Grand Hotel at St Pancras Station. The Newton Abbot workhouse was one of their earlier works.

It is a tragedy for the town that the majority of the Scott & Moffatt work was demolished in recent decades. The front entrance range survives, as does the Boardroom (later the Register Office) and an entrance lodge, along with the front boundary wall and the gate pier under discussion. As can be seen from this extract from the 1889 OS map, the gate pier now proposed for removal appears to be in its original position, although the inner gate piers (and stones to protect them from damage) have been lost.

The siting of parts of the former entrance arch to the building in the car park at the rear of the modern development I think make clear the futility of any argument that the significance of the gate pier can be retained in any meaningful way if it is re-sited.

The proposed removal of the gate pier would be harmful to the significance of the heritage asset. Its removal would result in the further erosion of the historic elements of this site and further reduce its legibility and historic character.

The proposed public benefit, which it is for you as case officer to balance against the heritage harm, seems to centre around a slight improvement in driver visibility for drivers entering / exiting the site.

Given that both TDC and DCC have declared climate emergencies, I am surprised and disappointed that the proposed solution to a problem caused by cars is to remove elements of a listed structure. It would seem far more proportionate and more obviously in the public interest to remove the cars rather than demolish the heritage asset. I could not support this application.

6. **REPRESENTATIONS**

A site notice was erected.

Two letters of objection which raised the following concerns have been received:

- There are alternative solutions for traffic calming measures.
- Further erodes this important historical site and its loss will be a detriment to the town's heritage.
- The access and splay to the site will not be improved by losing the wall.

One letter of support has been received which made the following point:

- The proposal will improve highway and pedestrian safety.

7. TOWN / PARISH COUNCIL'S COMMENTS

Newton Abbot Town Council: In noting the pre-application advice given by the conservation officer, the committee welcome the application to improve pedestrian safety and therefore raise no objection

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.

10. CARBON/ CLIMATE IMPACT

It is considered that the improvements to pedestrian safety may encourage more people to walk to the retail units within Scott Close.

11. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place