

Reason for referral:

This application has been brought to Plans Committee for determination as the applicant is Torridge District Council.

Relevant History:

Application No.	Description	Status	Closed
1/0235/1993	ALTERATION AND FIRE EXIT DOOR	CI	23.03.1994
1/0343/1993	INSTALLATION OF STEP LIFT TO PROVIDE DISABLED ACCESS	CI	05.05.1993
1/0316/1994	PIGEON PROTECTION	CI	27.04.1994
1/0048/1995	INTERNAL ALTERATIONS TO PROVIDE STAFF/ DISABLED TOILET KITCHENETTE AND NEW COMBINED AREA OPEN TO PUBLIC	CI	13.02.1995

Site Description & Proposal

Site Description:

The application site relates to part of the ground floor to the existing library/town hall building in Bideford. This part of the building has previously been used as a library and is currently vacant further to the relocation of the library to new premises in 2023. The application site is located to the western side of New Road and the River Torridge and to the east of St Marys Church, which is Grade II listed. The application site is also a Grade II listed building and located within the Bideford Conservation Area. The application site is located within the Bideford Critical Drainage Area and the building itself is located within Flood Zone 1. The application site is located within the defined Town Centre of Bideford, as shown on North Devon and Torridge Local Plan Proposals Map 2.

Proposed Development:

This application seeks permission for the change of use of part of the ground floor from a library (Use Class F1) to a sport and fitness facility (Use Class E). The submitted plans propose the provision of three main spaces to be used in connection with the sport and fitness use: a studio, cardio room, and a functional training area. Associated toilet and shower facilities would be provided.

No external works are proposed at this stage.

It is understood that a further Listed Building Consent application will be forthcoming in due course to take account of the proposed internal works and further planning permission would be required for additional works to the rear of the site. These elements do not form part of the current application.

Consultee representations:

Bideford Town Council:

RESOLVED: That members recommend approval with the proviso that the potential noise impact on residential and commercial premises is addressed.

Devon County Council (Highways):

Observations:

I acknowledge that objections have been raised regarding parking issues for those seeking to use the proposed development. Whilst I note these concerns, I also appreciate that there will be a degree of

trip generation attached to the extant planning use so, potentially, if the library were reopened, this would also attract a degree of traffic movements.

Moreover, the site location is in a relatively sustainable location in terms of walking and cycling facilities, as well as public transport opportunities.

As a result, I do not believe it is pertinent to raise highway objections.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Community Projects Officer - Adrian Avery:

No response received.

Conservation Officer:

The comments relate to the likely impact on the building as a grade II asset sited within the centre of the town. In this case there are no external changes proposed and so there are not comments on the impact of the proposal on the appearance and setting of the building in relation to the location adjacent other heritage assets.

The work needed to re-use the building for a fitness facility involves alterations to protect the existing features such as protective cladding and flooring to ensure the fabric is not harmed by the introduction of fitness equipment. There are minimal changes proposed to enable the new use and the re-ordering of the ground floor has opened up areas which were formerly partitioned by the office use.

The building was designed as large communal areas, and the large rooms require minimal adaptation to be re-used.

There are details needed of the window protection and other adaptations to upgrade the wheelchair access and provide better ventilation, but these can be required by condition to ensure the works do not harm the character or fabric of the listed building.

The library building is of importance in both the cultural and visual life of the town and while its function has been relocated the building itself is visually important and requires a use. There are no objections to the proposal which I considered acceptable under the guidance set out in paragraphs 205-208 of the NPPF where there is minimal harm caused to the significance of the heritage asset as shown in the current scheme. The investment in the fabric of the building is positive and should prevent the deterioration of this landmark building within the town.

The proposal is not considered to harm the character of the conservation area as there are no external changes proposed and so the scheme is considered to accord with paragraphs 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where the proposal is not considered to impact on the setting of the listed building within the conservation area.

Environmental Protection Officer:

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The application premises appears to adjoin a residential development on the southern boundary and as such, there is the potential for disturbance to residential amenity from the proposed development from people, music and plant noise associated with a sport and leisure facility. It is noted that the hours of operation do overlap with noise sensitive times, in particular weekday mornings, Sundays and Bank Holidays. It would be useful to receive additional information about the sound insulation qualities of the application premises and the proposed locations of any noise generating plant or equipment, whether external or internal, in order to assess any potential amenity impact.

Representations:

Number of neighbours consulted:	42
Number of representations received:	14
Number of objection letters:	9

Number of letters of support:	4
Number of neutral representations:	2

Objections received can be summarised as follows:

- Noise concerns;
- Lack of noise reduction options given listed status of building;
- Parking concerns;
- Lack of residents' parking provision in surroundings;
- Highway safety concerns;
- Prefer use as museum or maritime centre;
- Existing gyms in the town;
- Loss of 'arts' library.

Comments received can be summarised as follows:

- Potential for use of Church car park by gym users and need to retain parking for those attending church;
- Had hoped building could be used for heritage purposes – recommend potential use for murals, artwork or presentations.

Letters of support can be summarised as follows:

- Beneficial to locality/environment;
- Local needs requirement;
- Business requirement;
- Existing museum provision at The Burton;
- Classes full at Torridge Leisure Centre;
- Will secure regular use of existing empty building.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST22 (Community Services and Facilities); ST11 (Delivering Employment and Economic Development); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST12 (Town and District Centres); BID (Bideford Spatial Vision and Development Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM12 (Employment Development at Towns, Local Centres and Villages); DM19 (Town and District Centres);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

Material Planning Considerations:

1. Principle of Development
2. Impact on Historic Character and Appearance
3. Impact on Residential Amenities
4. Access and Parking
5. Ecology.

1. Principle of Development

The application site is located within the settlement of Bideford which is identified as a Strategic Centre within the District. Policy ST06 of the North Devon and Torridge Local Plan (NDTLP) notes that development will be supported within the development boundaries of strategic centres. Specifically in relation to Bideford, Policy ST06 states: *'Bideford will provide a focus for housing and employment development. Significant levels of development will be accommodated in Bideford consistent with its scale and its complementary role to Barnstaple. Sustainable development opportunities will be secured to increase self-containment and achieve balanced development to enable the town to meet its own needs and those of the surrounding area'*.

The proposed development relates to the provision of a sports and fitness facility within an existing building which was formally used as a library. Policy ST22 relates more specifically to community services and facilities and notes that the development of new, or extension or improvements to existing community facilities that meet the needs of local communities will be supported within or adjoining defined settlements and Rural Settlements. This is subject to a number of criteria:

'(a) it does not harm the character of the area and the amenities of the surrounding uses;
(b) It is well related to public transport infrastructure, where possible, and is accessible by walking or cycling; and
(c) It can be accessed without generating unacceptable levels of traffic on the local road network and/or reducing highway safety'.

The supporting text to Policy ST22 clarifies that community facilities and services can include sport and recreation uses which contribute to the social and economic well-being of communities.

This application seeks the use of the building as a multi-functional indoor sport and fitness location for Active Torridge. It is understood that Active Torridge is currently operating over capacity and the proposed use of the building seeks to provide additional facilities to cater to a wider number of residents. The submitted plans include a functional training area, cardio room, and studio along with associated reception and toilet/changing facilities.

This use would be in accordance with the provisions of Policy ST22 delivering an extension and improvement to existing community facilities.

It is noted that the previous use of the building was as a library and this facility has been relocated within Bideford to new premises some time ago.

Policy ST22 also notes:

(3) Development that involves the loss of community services and facilities will not be supported unless there is compelling evidence to demonstrate:
(a) the existing use is no longer commercially viable or could not be made commercially viable; or
(b) there is alternative local provision that is accessible to the local community by walking or cycling; and in either case
(c) the premises are no longer required to meet the needs of the local community'

The proposed change of use would not result in the loss of an existing community facility with suitable local provision already being made for the library.

Policy ST12 relates to town and district centres noting that the vitality and viability of the town centre of Bideford will be protected and enhanced by focussing development proposals for retail, leisure, office and cultural facilities within defined town centres. Policy DM12 relates to Employment Development at Towns, Local Centres and Villages and seeks to support additional job creation via economic development on existing and allocated employment land as well as other suitable sites within the development boundaries. This is subject to two criteria:

'(c) the proposal and any associated employment activities can be carried out without undue detriment to residential amenity, public highway users, town centre vitality, landscape character and the environment generally including any buildings or features of designated importance; and

(d) the development has an adequate and safe access and does not give rise to excessive or inappropriate traffic and will contribute to the general aim of reducing the need to travel by private car'.

Policy DM19, Town and District Centres, states at Part (1) *'to increase Town and District Centre viability and vitality, development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development will be supported within defined Town and District Centre boundaries subject to satisfactory regard to (2) and: (a) the retention and enhancement of the Town and District Centres historic character; (b) the proposed development being readily accessible by sustainable transport modes; and (c) the effective use of upper floors is maintained or secured.'* Part 2 of the Policy concerns protecting the retail function of town centres; the existing use is not retail hence this does not apply.

These elements will be further assessed in the sections below, however Policies ST12, DM12 and DM19 would support the proposed change of use in principle in this location. In addition, the proposed development would create additional employment with both full and part time employees.

On this basis, the principle of the proposed change of use is supported by NDTLP Policies ST06, ST12, ST22, DM12 and DM19.

2. Impact on Historic Character and Appearance

Policy ST04 of the NDTLP seeks to achieve high quality inclusive and sustainable design with developments responding to the characteristics of the site, its wider context and the surrounding area. This refers to Policy DM04 which sets out design principles for development proposals. These emphasise the need for design which is appropriate and sympathetic to the setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

Policy ST15 of the NDTLP emphasises that great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment. Policy DM07 more specifically notes that proposals which conserve and enhance heritage assets and their setting will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved, giving great weight to the conservation of heritage assets.

The proposed change of use would not result in any alterations to the external appearance of the existing building. It is noted that separate Listed Building Consent and Advertisement applications may be required to take account of associated alterations to the existing building, however these would not form part of the consideration of the current application.

The Council's Conservation Officer has carried out a site visit and commented on the submission noting that work is needed to enable the proposed reuse of the building as a fitness facility including alterations to protect existing internal features, however there are minimal changes proposed to enable the new use and the re-ordering of the ground floor to open up areas which were formerly partitioned by the office use. The Conservation Officer has raised no objection to the proposal which is considered to meet with the provisions of the NPPF where there is minimal harm caused to the significance of the heritage asset. The investment in the fabric of the building is noted as being positive and should prevent the deterioration of the landmark building at a prominent location within the town.

The proposed change of use of the existing building is not considered to result in a harmful impact on the historic character and appearance of the existing building and the proposed development is considered to be in keeping with the provisions of Policies ST04, ST15, DM04, DM07 and DM19 of the NDTLP in this regard.

3. Impact on Residential Amenities

NDTLP Policies DM12 and ST22 note that proposed employment / community activities should be carried out without undue detriment to residential amenity, and this is also set out in Policies DM04 and DM01. Policy DM01 specifically states that; *'Development will be supported where: (a) it would not*

significantly harm the amenities of any neighbouring occupiers or uses; and (b) the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses’.

The proposed sport and fitness use would include three main spaces within the previous library building with existing accesses to the east and north being retained for use. The application site is immediately adjacent to residential dwellings at Tantons Court to the south and in close proximity to properties in Church Walk which extend to the west. It is noted that the main spaces to be associated with the sport and fitness use include windows to the front and rear (east and west) of the building.

Concerns have been raised in representations received in relation to potential noise disturbance given the proximity to neighbouring dwellings, existing windows and the listed status of the building which may limit the likely methods of acoustic attenuation.

The application form proposes the use will operate between 06:30 and 21:00 Monday to Friday, 09:00 to 17:00 on Saturdays & Sundays and 10:00 to 18:00 on Bank Holidays.

Comments have been received from the Council’s Environmental Protection Officer which note that the application premises adjoins a residential development to the southern boundary with the potential for disturbance to residential amenity from the proposed development, in terms of people, music and plant noise associated with the sport and leisure facility. In addition, the Environmental Protection Officer notes that the proposed hours of operation overlap with noise sensitive times, especially weekday mornings, Sundays, and Bank Holidays. Further information was therefore sought in relation to the sound insulation qualities of the application premises and the proposed locations of any noise generating plant or equipment to allow a full assessment on the potential amenity impact.

An acoustic assessment has been undertaken to address these concerns. This assessment confirms that the party wall between the application site and the adjacent residential building (Tantons Court) is of a solid stone construction and approximately 900mm thick. As a result, no acoustic treatment of the wall is required.

In relation to the windows to the rear of the site, it is proposed that sound insulation be incorporated to these openings via secondary glazing by acrylic sheeting set within an independent frame to that of the existing windows. This takes account of the listed nature of the building and is considered to improve the sound insulation of the building.

The acoustic report also comments on potential ventilation and extraction measures which are proposed to be fitted to the building, making use of the existing valley of the roofline. These details are not part of the current application and will be included within any subsequent planning and listed building consent submissions. The proposal at this stage is limited to the change of use of the site.

The Council’s Environmental Protection Officer has provided further comments on the acoustic report confirming that they are satisfied that the sound insulation properties of the application building will be sufficient and the report addresses the amenity concerns previously raised.

The details of the proposed secondary glazing can be secured via a separate Listed Building Consent application. However, a condition has been recommended as part of any planning permission granted to secure the submission of details of these works prior to the commencement of the sport and fitness use.

On this basis, the proposed development is not considered to result in a harmful impact on residential amenities and a condition can be added to the recommendation to secure the opening hours of the sport and fitness use and to prevent other uses within Class E without the further granting of planning permission.

4. Access and Parking

NDTLP Policy DM12 emphasises that new employment development should include an adequate and safe access and not give rise to excessive or inappropriate traffic and should contribute to the general aim of reducing the need to travel by private car. Policy ST22 notes that proposals for community

facilities should be accessed without generating unacceptable levels of traffic on the local road network and/or reducing highway safety.

Policy DM05 specifically relates to highways impacts noting:

'(1) All development must 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.

(2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to those routes where practical to do so.'

Policy DM06 relates to car parking provision stating that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs.

No parking spaces would be provided on site as part of the proposal. It is noted that the application site is located within close proximity to a number of town centre car parks and is located sustainably within the town centre of Bideford.

The proposed access points into the building itself would not be altered by the proposed use with the pedestrian entrances to the east and north being retained.

Comments have been received from the County Council's Highways Officer which notes the concerns raised in representations about the lack of parking and identifies that there would have been a degree of trip generation from the extant permission as a library which is relevant for the assessment of the current application. The Highways Officer further notes the site's relatively sustainable location in terms of walking and cycling facilities as well as public transport opportunities. On this basis, the Highways Officer has not raised any objections to the proposed development.

Taking account of the previous use of the site, the nature of the proposed use and the relatively sustainable location, the proposed use of the building is considered to be in keeping with the provisions of Policies DM05 and DM06 of the NDTLP, as well as Policies ST22, DM12 and DM19.

5. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the NDTLP through Policy DM08 which requires new development to *'avoid adverse impacts on existing ecology features as a first principle, and enable net gains by designing in biodiversity features'*.

A completed Wildlife Trigger List has been submitted in support of the application which does not identify any likely impacts on protected species or their habitats as a result of the proposed change of use. Having reviewed the proposed plans and noting the lack of external alterations to the existing building, Officers agree with this conclusion.

In relation to Biodiversity Net Gain, the proposed development relates only to the change of use of the existing building and does not include any external alterations. As a result, the proposal is considered to be exempt from the requirement for BNG by virtue of its *de minimis* nature, impacting less than 25m² of on-site habitat.

On this basis, the proposed development is not considered to result in a harmful impact on protected species or their habitat and would be in keeping with the provisions of Policies DM08 and ST14 of the NDTLP.

Conclusion

The proposed change of use to a sport and fitness facility is considered to be acceptable in principle within this town centre location, would not result in harmful impact on the historic nature of the listed building or the character and appearance of the surrounding area. Subject to conditions, a harmful

impact on the amenities of neighbouring occupiers is not considered to result and suitable access would be provided.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT subject to the following conditions:

- 1 The development to which this permission relates must be begun no 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 time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

3. Notwithstanding the provisions of the Town and Country Planning (use Classes) Order 1987 (as amended) and Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Orders 1995 (or any Order revoking or re-enacting these Orders the premises shall be used as a sport and fitness facility and for no other purpose, including any other purpose within Class E, without the further grant of planning permission.

Reason: To restrict the use of the premises to one which is compatible with the surrounding area and listed building and to comply with the development plan.

4. The premises shall not be used except between the hours of 06:30 and 21:00 Monday to Friday, 09:00 to 17:00 on Saturdays & Sundays and 10:00 to 18:00 on Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers.

5. Prior to the first use of the application site as a sport and fitness facility, details of the proposed secondary glazing measures to windows on the western elevation shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be installed prior to the building first being used as a sport and fitness facility and shall be retained as such in perpetuity.

Reason: In the interests of the amenities of neighbouring occupiers.

Plans Schedule

Reference	Received
Block Plan	08.05.2024
Location Plan	08.05.2024
Proposed Flood Plan	07.06.2024

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the

application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

Informatives

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Torridge District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

4. The permission which has been granted is for development which is exempt being:

4.1 Development below the de minimis threshold, meaning development which:

does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted: do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.