



North Devon Council
Brynsworthy Environment
Centre
Barnstaple
North Devon EX31 3NP

M. Mansell, BSc (Hons),
C.P.F.A.
Chief Executive.

PLANNING COMMITTEE

A meeting of the above Committee will be held at the Rugby Club, Barnstaple, on **WEDNESDAY 11TH APRIL 2018, AT 10:00 AM**

(NOTE: A location plan for the Rugby Club is attached to the agenda front pages)

NOTE: Please note that copies of letters of representation have been placed on North Devon Council's website and are also available in the Planning Department.

ALSO: A break at lunchtime may be taken at the discretion of the Committee dependent upon the speed of progress of determining the planning applications on the agenda.

PARKING: Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours. 5 hours - £5.60, 6 hours - £6.80, 7 hours - £8.00, 8 hours - £9.20).

Members of the Committee: Members of the Committee to be appointed at Annual Council on 4th April 2018.

AGENDA

1. Apologies for absence.
2. To approve as a correct record the minutes of the meeting held on 14th March 2018 (attached).
3. Items brought forward which in the opinion of the Chairman should be considered by the meeting as a matter of urgency.
4. Declaration of Interests (Please complete the form provided at the meeting or telephone the Member Services Unit to prepare a form for your signature before the meeting)

Items must be re-declared when the item is called, and Councillors must leave the room if necessary

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART 'A'

6. **64382: EXTENSION TO DWELLING AND ERECTION OF FENCE (AMENDED PLANS), 36 THE FAIRWAY, BRAUNTON, EX33 1DZ** (Pages 3 to 8)

64472: APPLICATION UNDER REGULATION 3 OF THE T AND C P GENERAL REGULATIONS 1992 NOTIFICATION BY NORTH DEVON COUNCIL FOR ERECTION OF NEW MULTIPURPOSE WATERSPORTS CENTRE WITH BOAT AND EQUIPMENT STORAGE FACILITIES, SHOWERS, CHANGING ROOMS, TEACHING SPACE AND CAFÉ AND PURPOSE BUILT SLIPWAY (RESUBMISSION OF 57487 WITH AMENDED SLIPWAY DESIGN), ILFRACOMBE WATERSPORTS CENTRE, LARKSTONE LANE, ILFRACOMBE, EX34 9FQ (Pages 9 to 31)

PART 'B' (Confidential Restricted Information)

Nil

Reminder - Members please return your agenda to the Corporate and Community Services Officer at the end of the meeting

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

Note: copies of representations received relating to planning applications are available to view on the web, linked to the associated planning application record - www.northdevon.gov.

NOTE: Pursuant to Part 3, Annexe 1, paragraph 1 of the Constitution, Members should note that:

"A Member appointed to a Committee or Sub-Committee who:

- (a) Arrives at a meeting during the consideration of an item; or*
- (b) Leaves a meeting at any time during the consideration of an item;*

Shall not:

- (i) propose or second any motion or amendment; or*
- (ii) cast a vote*

in relation to that item if the Committee or Sub-Committee (as the case may be):

- (c) Is sitting in a quasi-judicial capacity in relation to that item; or*
- (d) The item is an application submitted pursuant to the Planning Acts and, in such a case, the Member shall also leave the room if at any time the public and press are excluded in respect of that item."*

REGISTERING TO SPEAK

- If you wish to address the Planning Committee, you should contact the Committee Administrator, Mrs Triggs in advance of the Committee on 01271 388253 or speak to her just before the meeting commences.

WHAT HAPPENS AT COMMITTEE?

- The Chairman will introduce himself/herself
- The Planning Officer will present his/her report
- The Chairman will call out the names of individuals who have registered to speak
- Speakers will be **restricted to 3 minutes each** (which is timed and bleeped). **A maximum of six supporters and six objectors of the application may speak at committee.** The applicant or agent and representative of the parish council may also speak at committee.
- Once public participation has finished, the Planning Officer will be given the opportunity to respond or to clarify any points that have arisen from the public participation exercise
- The Members of the Committee shall then debate the application (**at this point the public shall take no further part in the debate**)

WHEN SPEAKING

- State clearly your name, who you are representing and whether you are supporting or objecting to the application
- Speak slowly, clearly and loud enough for everyone to hear you, and direct your comments to the Chairman and the Committee
- Try to be brief, avoid being repetitive, and try to prepare what you want to say beforehand.

WHAT HAPPENS NEXT?

- A record of the decisions taken at the meeting is produced (known as the "minutes of the meeting")
- The minutes of the meeting are published on the Council's Website:
www.northdevon.gov.uk



**APPOINTMENT OF SUBSTITUTE MEMBERS
AT MEETINGS OF THE PLANNING COMMITTEE**

In accordance with the North Devon Council Constitution, a Member or Leader or Deputy Leader of a Political Group, appointing a substitute shall notify the Proper Officer of the name of his/her substitute. **Notification by a Member purporting to be a substitute Member will not be accepted.**

In the case of a substitution to the Planning Committee, the substitute Member shall sign and lodge this certificate with the Corporate and Community Support Manager confirming the acceptance of the appointment and that they have completed all Planning training modules provided to Members.

DATE OF PLANNING COMMITTEE: [Insert date]

For completion by Member of the Planning Committee requiring a substitute

I, Councillor..... [print name], hereby declare that I appoint
Councillor [insert name of substitute Member] to substitute for
me at the above mentioned meeting of the Planning Committee:

[signature]..... [date].....

OR

For completion by Leader/Deputy Leader of a political group nominating a substitute

I, Councillor..... [print name of group Leader/Deputy Leader],
hereby declare that I appoint Councillor [insert name of
substitute Member of same political Group] to substitute for Councillor
.....[insert name] at the above mentioned meeting of the Planning
Committee.

[signature]..... [date].....

AND

For completion by substitute Member accepting appointment of substitute

I, Councillor [print name], hereby confirm that I
accept the appointment of Substitute for the above mentioned Planning Committee and
hereby confirm that I have undertaken all appropriate Planning training modules in
relation to the same.

[signature]..... [date].....

**NOTE: FORM TO BE COMPLETED AND RECEIVED BY CORPORATE AND
COMMUNITY SUPPORT PRIOR TO THE COMMENCEMENT OF THE MEETING**



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

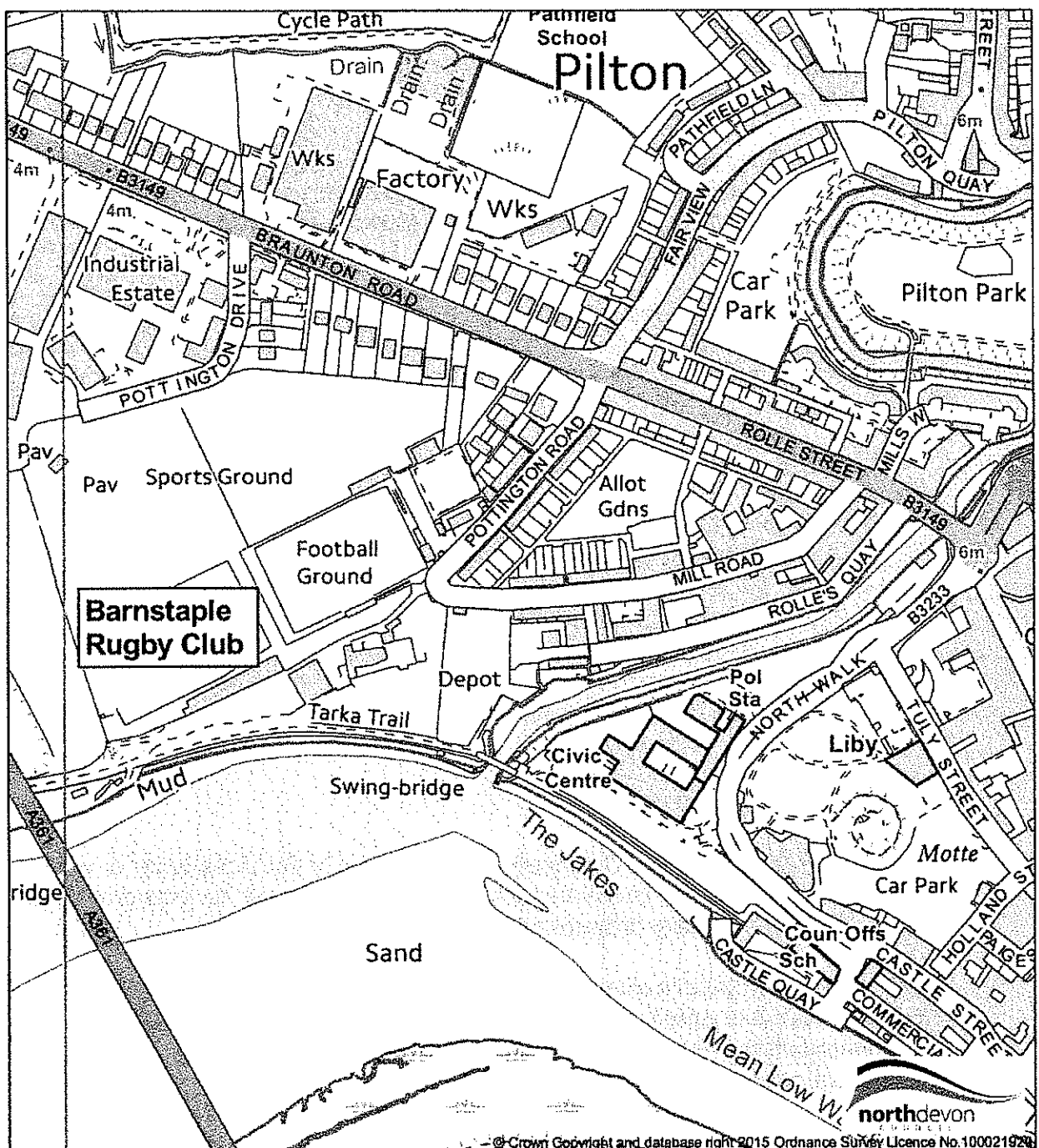
Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

The Barnstaple Rugby Club
full address is: Barnstaple
RFC, Pottington Road,
Barnstaple, EX31 1JH.

At the traffic lights at the end of Rolle Street on the B3149 turn either left or right onto Mill Road according to the direction that you are travelling from. Follow the road along and turn right onto Pottington Road.

The Rugby Club is located on your left. Please note that the Rugby Club is a pay and display car park (£1.70 all day). Other nearby car parks are located at Fairview (£1.70 all day) or Rolle Quay (£1.10 per hour for 1 – 4 hours. 5 hours - £5.60, 6 hours - £6.80, 7 hours - £8.00, 8 hours - £9.20).



NORTH DEVON COUNCIL

Minutes of a meeting of the PLANNING COMMITTEE held at the Rugby Club, Barnstaple on Wednesday 14th March 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Ley (Chair)

Councillors Bonds, Chesters, Crabb, Edmunds, Fowler, Lane, Moore, Prowse, Spear, Tucker, Wood, Worden and Yabsley.

Officers:

Chief Planning Officer, Lead Planning Officer (JW), Senior Planning Officers (S-J M-S, MP, MB and TB), Solicitor (DH) and Senior Corporate and Community Services Officer (BT).

Also Present:

Councillors Biederman, Brailey, R. Cann and Wilkinson.

107 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Croft and Flynn. Councillor Barker had been appointed to substitute for Councillor Flynn.

108 MINUTES

RESOLVED that the minutes of the meeting held on 14th February 2018 (circulated previously) be approved as correct record and signed by the Chairman.

109 DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Barker Planning application 61119: Personal interest as a Member of the North Devon Crematorium Joint Committee.

Councillor Lane Planning application 61119: Personal interest as a Member of the North Devon Crematorium Joint Committee.

Councillor Prowse Planning application 64454: Disclosable pecuniary interest as the applicant.

Councillor Spear Planning application 64454: Disclosable pecuniary interest as the applicant was his brother-in-law.

Councillor Wood Planning application 64322: Personal interest as a Member of Fremington Parish Council who rent the land from North Devon Council.

Councillor Yabsley Planning application 61119: Personal interest as the Chair of the North Devon Crematorium Joint Committee.

110 61119: ERECTION OF 236 DWELLINGS, ACCESS OFF OLD TORRINGTON ROAD & ASSOCIATED WORKS (AMENDED PLANS & DOCUMENTATION)(FURTHER AMENDED PLANS & ECOLOGICAL REPORT)(AMENDED DESCRIPTION), LARKBEAR, TAWSTOCK, BARNSTAPLE

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (S-J M-S) reported the receipt of 11 additional letters of representation received since the publication of the agenda in relation to the bus gate.

Michael Pagram (objector), Michael Pagram (on behalf of Michelle Ward – objector), Helen Blackman (objector), Mr Howell (objector) and Andy West (applicant) address the Committee.

Councillor Mathews addressed the Committee as Devon County Council Member.

Councillor Brailey (Ward Member) addressed the Committee.

Councillor Biederman (adjoining Ward Member) addressed the Committee.

The Chief Planning Officer confirmed that when the Committee in September 2017 resolved to defer the application, it requested that officers negotiate with the applicant in relation to the relocation of the bus gate prior to the commencement of development. This was a steer by the Committee to assist officers in the negotiations. Since that time officers had undertaken negotiations with the applicant. A meeting had been held with planning officers, the applicant and Highways Authority during February 2018. The applicants had considered the Committee's request for the relocation of the bus gate to be secured prior to commencement of works and were aware of the strength of feeling of the community in this regard; however, the applicants had advised that they cannot accept a pre-commencement condition, which precluded any development happening at this site when they had no control over the success or timing associated with the Traffic Regulation Order. The applicants had offered to seek to provide the relocation of the bus gate much earlier than had been secured previously as part of the outline application and were offering to make reasonable endeavours to meet the timetable as detailed on page 6 of the report. Only a small number of

dwellings would be built during the first 12 month period, therefore it was considered that there would be no material planning impact

Councillor Yabsley declared a personal interest as a Member of Devon County Council and Chair of North Devon Highways and Traffic Orders Committee.

The Highways Officer (PY) advised the Committee of his attendance at the meeting with the applicant in February 2018. There had been no progress since the September 2017 Committee meeting in relation to securing a traffic regulation order and if an application had been made at that time, there would have been certainty regarding the relocation of the bus gate. There was no guarantee that an application for a traffic regulation order to relocate the bus gate would be successful.

The Chief Planning Officer advised that a condition could be imposed requiring a traffic regulation order to be submitted within a set timescale, as set out on page 6 of the report and suggested that the wording of the conditions be agreed with Ward Members.

The Highways Officer (PY) confirmed that it would be reasonable to assume that the time taken for processing an application for a traffic regulation order would be approximately three months. The Highways Authority was still awaiting detailed drawings from the applicants to enable the valuation of works to be calculated. He expressed concern regarding the delivery of the new junction on the A361.

The Lead Planning Officer (JW) advised that it was not reasonable for the Planning Authority to require the applicant to provide full engineering drawings as part of the planning application. The infrastructure development contributions would be index linked and should contribute 29% of total cost of the scheme based on costings provided at this stage in the Transport Assessment. The trigger point for the delivery of the junction on the A361 was 450 dwellings in the outline application. The figures were based on the developers own costings to undertake such works. She confirmed that all triggers were in place to secure the delivery of the junction on the A361.

The Senior Planning Officer (S-J M-S) explained that the Highways Authority had not advised that it would object to the application if they failed to grant the traffic regulation order.

The Chief Planning Officer advised that a condition could not be imposed restricting the sale of dwellings prior to securing a traffic regulation order. It was recommended that the wording of the conditions be delegated to the Chief Planning Officer to ensure that they were robust. It was not necessary for the applicants to engage with the local community on the traffic regulation order as the applicants would have already consulted with the local community as part of the planning application process. Only consultation with the Crematorium would be required. The timetable offered by the applicant could be amended to ensure the delivery of the bus gate more quickly.

RESOLVED (13 for, 1 against, 0 abstained) that the application be APPROVED as recommended by the Chief Planning Officer subject to the delegated authority given to the Chief Planning Officer to apply appropriate conditions in consultation with the Ward members and adjoining Ward Members and that the following conditions be reflected in the Section 106 heads of terms in relation to the timescales to provide the relocation of the bus gate:

- (a) within three months of the issuing of the decision notice, the applicants engage with the Crematorium to gain their views of the location, type and form of the required bus gate;
- (b) within three months of the issuing of the decision notice the applicants submit a traffic regulation order application to Devon County Council;
- (c) within nine months of the issuing of the decision notice the applicants construct the bus gate.

111 ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned to enable a five minute comfort break.

RESOLVED that the meeting be re-convened to consider the remaining business.

112 61689: OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR ERECTION OF 12 DWELLINGS (4 AFFORDABLE & OPEN MARKET) TOGETHER PUBLIC OPEN SPACE, ATTENUATION POND AND ASSOCIATED LANDSCAPING (AMENDED DESCRIPTION)(AMENDED DRAWINGS)(AMENDED DRAINAGE, FLOODING & HIGHWAYS INFORMATION), LAND ADJACENT TO STATION HILL & ARCHIPARK, SWIMBRIDGE, BARNSTAPLE, EX32 0QS

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (TB) reported that since the publication of the agenda the receipt of a response from the Devon County Council Archaeologist advising that the application had no impact and from Mr Alan Williams (objector) raising concerns with Swimbridge having recently suffered flooding that the new development would intensify the risk of flooding.

Melanie Rhodes (objector) and Maria Bailey (agent) addressed the Committee.

RESOLVED (unanimous) that the application be APPROVED subject to the completion of a section 106 agreement as recommended by the Chief Planning Officer.

113 **64122: ERECTION OF ONE TEMPORARY RESIDENTIAL DWELLING IN CONNECTION WITH THE OPERATION OF A HORTICULTURAL ENTERPRISE, ERECTION OF GARDEN BOUNDARY FENCE TO DELINEATE ASSOCIATED AMENITY SPACE, ERECTION OF TWO DOMESTIC WIND TURBINES TO FRONT OF DWELLING, FORMALISATION OF ACCESS ROAD TO PARKING AND TURNING AREA, AND RETROSPECTIVE APPLICATION FOR WIDENING OF VEHICULAR ACCESS AND ERECTION OF GATES, WILLOW SPRINGS / MORTEHOE FRUIT FARM, POOL LANE, MORTEHOE, EX34 7AP**

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

Nigel Salmon (objector) and Paul Thomas (objector) addressed the Committee.

Councillor Wilkinson (Ward Member) addressed the Committee.

RESOLVED (unanimous) that the application be REFUSED as recommended by the Chief Planning Officer.

114 **64313: REPLACEMENT OF THIRD FLOOR EXTERNAL STRUCTURE TO FACILITATE THE IMPLEMENTATION OF PRIOR APPROVAL 64114 (CHANGE OF USE OF FIRST, SECOND AND THIRD FLOORS FROM B1(A)(OFFICES) TO C3 (DWELLINGHOUSES)(31 FLATS)), REGENT HOUSE, QUEEN STREET, BARNSTAPLE, EX32 8RR**

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (MB) advised that Building Control had confirmed that the applicant had addressed the concerns raised and that the Heritage and Conservation Officer did not consider the application would have an impact on the conservation area.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer subject to conditions 6 and 7 being amalgamated to allow for the consideration of materials.

As a result condition 6 to read:-

(6) The external finishing materials to be used for the development hereby permitted shall not be installed until details of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority.

115 **64322: APPLICATION UNDER REGULATION 3 OF T & C P
GENERAL REGULATIONS 1992 FOR EXTENSION TO &
CONVERSION OF WATER TOWER TO FORM A POTTER'S
STUDIO & RETAIL OUTLET, WATER TOWER, FREMINGTON
QUAY, FREMINGTON**

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (S-J M-S) reported that since the publication of the agenda the receipt of a petition objecting to the application which gave no reason for the objection and further letter of representation objecting to the rationale of the scheme. She advised that the 'Issues raised by members of the public' in the report should be extended to include foul drainage proposal, amenity concerns and Impact on the Conservation Area, all of which are considered in the report and that Fremington Parish Council had advised of two typographical errors. One error was on page 154 whereby the reference to the road should have been "B3233" and not "B3232" and the other error was on page 155, first paragraph under conclusion should have stated "Fremington Quay" and not "Yelland Quay".

The Senior Planning Officer (S-J M-S) advised that since writing the report Fremington Parish Council had resolved not to allow the use of the Fisherman's car park for parking and as such she recommended that a Grampian condition be imposed requiring a parking strategy to be in place and replacement parking provided prior to commencement of the development.

David Jury (objector), David Jury (on behalf of Peter Morris – objector), Mr Danks (objector) and Councillor David Chalmers (representing the Parish Council) addressed the Committee.

Councillor R. Cann (Ward Member) addressed the Committee. He declared a personal interest as a North Devon Council representative on the Fremington Quay Community Interest Group and a Member of Fremington Parish Council.

Councillor Biederman (adjoining Ward Member) addressed the Committee. He declared a personal interest as a Member of Fremington Parish Council and a member of the Fremington Quay Management Committee.

RESOLVED (unanimous) that the application be DEFERRED pending the receipt of the following information:

- (a) consultation response being sought from the Highways Authority regarding impact of this development on the highway network;
- (b) a car parking strategy for Fremington Quay;
- (c) consultation response being sought from Environmental Health regarding noise, fumes and disposal of waste;
- (d) confirmation regarding land ownership; and
- (e) timescales for the grant funding stream.

116 CONTINUATION OF MEETING

RESOLVED that it being 1.05 pm that the meeting continue in order for the remaining business to be transacted.

117 64359: REPLACEMENT OF ROOF TOGETHER WITH INTERNAL & EXTERNAL ALTERATIONS, MILL COTTAGE, HIGH STREET, SWIMBRIDGE, BARNSTAPLE, EX32 0PR

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

118 64360: LISTED BUILDING APPLICATION FOR REPLACEMENT OF ROOF TOGETHER WITH INTERNAL & EXTERNAL ALTERATIONS, MILL COTTAGE, HIGH STREET, SWIMBRIDGE, BARNSTAPLE, EX32 0PR

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

119 64454: EXTENSION & ALTERATIONS TO DWELLING, MIDDLE KNIGHTACOTT, BRATTON FLEMING, BARNSTAPLE, EX31 4SF

Councillors Prowse and Spear declared disclosable pecuniary interests and left the room during the consideration thereof.

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

Councillor Chesters declared a personal interest as the agent was her architect.

Matt Steart (agent) confirmed that he did not wish to address the Committee.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

120 **64540: CONVERSION OF GARAGE TO ADDITIONAL LIVING ACCOMMODATION, TERRINGTON HOUSE, BRADIFORD, BARNSTAPLE, EX31 1QZ**

Councillors Prowse and Spear returned to the meeting.

The Committee considered a report by the Chief Planning Officer (circulated previously – now appended).

The Senior Planning Officer (MB) advised that Barnstaple Town Council had recommended approval subject to no adverse comments being received from the neighbour.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Chief Planning Officer.

121 **PLANNING COMMITTEE: DATE OF MEETING SCHEDULED IN MAY 2018**

RESOLVED that the date of the meeting of the Planning Committee which was scheduled to be held on Wednesday 16th May 2018 be changed to Wednesday 2nd May 2018 at 10.00 am owing to the unavailability of the Rugby Club.

Chairman

The meeting ended at 1.19 p.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

Planning Committee - 11 April 2018

Report Index

PART 1

No Deferred Applications reported for this agenda

PART 2

Parish	App. No.	Location	Dec.	Page
BRAUNTON	64382	36 THE FAIRWAY,	APPC	3
ILFRACOMBE	64472	ILFRACOMBE WATERSPORTS CENTRE		
		LARKSTONE LANE,	APPC	9

Total Items:2

Please note that applications shall normally be considered in the numerical order as shown above. However, the order does change from time to time with the agreement of the Chairman and the consent of the Committee.

Schedule of Planning Applications for Consideration

In the following order:

Part 1) Deferred Applications

Part 2) New Applications

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers within the Local Government (Access to Information) Act 1985.

ABBREVIATIONS USED THROUGHOUT THE TEXT:

AGLV	-	Area of Great Landscape Value
AONB	-	Area of Outstanding Natural Beauty
ASAC	-	Area of Special Advertisement Control
CA	-	Conservation Area
CDA	-	Critical Drainage Area
CPA	-	Coastal Preservation Area
CPO	-	Chief Planning Officer
DCC	-	Devon County Council
EA	-	Environment Agency
ES	-	Environmental Statement
ENP	-	Exmoor National Park
GPDO	-	General Permitted Development Order
HC	-	Heritage Coast
LPA	-	Local Planning Authority
LB	-	Listed Building
NDLP	-	North Devon Local Plan
NPPF	-	National Planning Policy Framework
PC	-	Parish Council
PROW	-	Public Right of Way
SSSI	-	Site of Special Scientific Interest
TPO	-	Tree Preservation Order

PART 1 DEFERRED APPLICATIONS

NO DEFERRED APPLICATIONS REPORTED FOR THIS AGENDA.

PART 2 NEW APPLICATIONS

1

App. No. **64382** Reg. **12/01/2018** Applicant: **MISS JENNI PINE**
L. Bldg. Expired: **09/03/2018** Agent
Parish: **BRAUNTON**
Case Officer: **Miss T Blackmore**
Proposal: **EXTENSION TO DWELLING & ERECTION OF FENCE (AMENDED PLANS)**
Location: **36 THE FAIRWAY BRAUNTON EX33 1DZ**

PROPOSAL

The proposal seeks full planning permission for the erection of a single storey extension to the rear of the property and the erection of a fence to the southern boundary.

The proposal seeks to add a single storey extension to the rear elevation on the northern side of the building to provide a utility room and additional bedroom. The footprint of the single storey extension consists of the proposed utility room measuring 2.7 metres x 2.7 metres and the bedroom measuring 5.4 metres x 4.1 metres (maximum). The extension would have a flat roof adjoining the flat roofed garage and eastern elevation with a maximum height of 2.5 metres. The proposed extension results in an additional floor area of approximately 30 square metres.

The proposal also seeks permission for the erection of a 1.8 metre high timber fence to the southern boundary to run adjoining the adjacent footway and a trellis topped timber fence to the western (side) boundary. Amended plans have been received during the course of the application to step the proposed fence back from the adjacent footway by 0.6 metres in order to provide visibility to the adjacent driveway of number 11A Cavie Road.

RECOMMENDATION

APPROVAL

SITE AND SURROUNDINGS

The site is located to the east of the village of Braunton. The application site consists of a semi-detached bungalow with a mixture of brick and rendered finish walls and brown concrete tile roof.

The property has a flat roofed garage to the north of the dwelling which is attached to the adjacent dwelling's flat roofed garage (38 The Fairway),

The property accommodates off-road parking to the west of the garage and a grassed front curtilage area which extends to the side (southern) elevation. There is an existing 1.8 metre high timber fence to the southern elevation which acts as a boundary to the rear garden which currently runs parallel to the rear of the dwelling, with an area of 'open'

grassland to the south of the timber fence. The boundary to the north and east also consists of timber fence of approximately 1.8 metres in height.

REASON FOR REPORT TO MEMBERS

The applicant is an employee of North Devon Council.

POLICY CONTEXT

Development Plan

North Devon Local Plan

DVS1 Design

DVS2 Amenity considerations

TRA6 General Highway Considerations.

CONSULTEE RESPONSES

Braunton Parish Council:

Recommends approval of this application.

Highway Authority:

I have considered this further and see no problem with the suggestion of setting back the proposed fence approximately 0.6 metres from the back edge of the kerb line. The overall distance of 2 metres, from the front edge kerb of the existing footway to the proposed fence line, sufficiently protects visibility from and of emerging vehicles utilising the access to 11 A Cavie Road. As you will appreciate, there is nothing in planning terms that can prevent the applicant from landscaping the grassed area, including the planting of trees and shrubs which, in reaching maturity, can impact on visibility to a greater extent than that which is proposed.

The above advice is given on the basis this is considered to be a lightly trafficked situation and slow speed environment.

REPRESENTATIONS

At the time of preparing this report no letter of objection or support has been received relating to this application.

PLANNING HISTORY

There is no planning history relevant to this application.

SUMMARY OF ISSUES

- Design
- Townscape Impact
- Residential Amenity
- Highways

PLANNING CONSIDERATIONS

1.Design

Both paragraph 58 and paragraph 64 of the NPPF and Policy DVS1 of the North Devon Local Plan requires good design and the integration of new development into the natural, built and historic environment. The proposed extension will be single storey with a flat roof and will be 4.1 metres in width and 8.1 metres in depth. The external materials will be render and cedar cladding in keeping with the existing materials. The overall scale and design of the extension will be in keeping with the character and appearance of the dwelling.

2. Townscape Impact

Paragraph 58 of the NPPF states that development should add to the overall quality of an area and reflect the character of the local area. The proposed is in a corner plot which will limit any views of the extension from the adjacent highway. There is a pedestrian footway that runs adjacent to the property; however, the proposed extension will be mainly screened by the 1.8 metre timber fenced boundary that surrounds the garden. The proposed extension by virtue of its scale, design and position would not cause any detrimental impact on the character of the surrounding street scene.

The proposal includes the re-positioning of a timber fence nearer to the southern boundary to run adjoining the pedestrian footway and a trellis topped fence to the side (western) boundary. The applicant is wishing to re-position the boundary fence to provide improved surveillance to the southern boundary which is currently 'open' grassland and to prohibit it being misused by dog walkers and being littered. There are a range of boundary treatments within the immediate locality the proposed re-positioned timber fence boundary would not appear out of place. There would not be any harm to the character of the street scene.

3 Residential Amenity:

Policy DVS3 of the North Devon Local Plan advises that development will not be permitted where it would harm the amenities of neighbouring uses or the character of the surrounding area or occupants of the proposed development would be harmed as a result of existing uses by virtue of privacy or daylight, light intrusion, noise and vibration or unpleasant emissions.

No letters of objection have been received.

The nearest neighbour is 38 The Fairway to the north of the site. The proposed extension is to be erected along the northern boundary and therefore the appropriate notice has been served on the owners of number 38 and Certificate B has been signed and submitted by the applicant as part of this application.

The proposed extension will extend to the rear of the existing garage at a height of 2.5 metres. There are no proposed windows to be installed to the northern elevation boundary. The ground floor windows of number 38 are all screened by a 1.8 metre high close board fence along the northern boundary. Number 11A Cavie Road is located to the

rear of this property and has a ground floor window looking west toward the site, which is also screened by the 1.8 metres close boarded fence along the rear of the boundary. Given the intervening boundary screening and the distance of the neighbouring properties and the development site, there is no direct loss of privacy to any neighbouring properties.

The proposed single story, flat roofed, extension will have no adverse impact on daylight levels to any neighbouring properties.

There would not be any impact on amenity in accordance within Policy DVS3 of the local plan.

4. Highways

Paragraph 32 of the Framework states that applications should be refused on transport grounds where the residual cumulative impacts of the development are severe. Policy TRA6 of the Local Plan requires safe access for all users and will only permit development where there is no impact on the functioning and safety of the highway.

Amended plans have been received during the course of the application to re-position the boundary fence to the southern boundary so as to step the fence back from the footway by 0.6 metres in order to provide visibility to the adjacent driveway of number 11A Cavie Road.

The Highway Authority has been formally consulted on this application and confirmed by setting back the proposed fence approximately 0.6 metres from the back edge of the kerb line, this sufficiently protects visibility from and of emerging vehicles utilising the access to 11A Cavie Road.

There are no highway issues that would warrant refusal of the application in line with Policy TRA6 of the North Devon Local Plan.

CONCLUSION

The proposed extension by virtue of its small scale, design and material will reflect the character and appearance of the existing dwelling. There would be limited viewpoints from the street scene and no impact on the surround area. The boundary fencing and single storey extension would ensure there is no loss of amenity to the neighbouring properties.

The proposed boundary fence to the southern boundary has been re-positioned to step the fence back from the footway by 0.6 metres in order to provide visibility to the adjacent driveway of number 11A Cavie Road. This has been confirmed by the Highway Authority who has raised no objections to this application.

The development is therefore considered to accord with paragraphs 32, 58 and 64 of the NPPF and Policies DVS1, DVS2, DVS3 and TRA6 of the Local Plan.

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

DETAILS OF RECOMMENDATION

APPROVE subject to the following 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 both with the plans submitted as part of the application, numbers NDC001, NDC007, NDC008, NDC009 and NDC011 received on 12th January 2018 and the amended plans numbers NDC003 REV B and NDC012 REV B received on 20th March 2018 ('the approved plans').

Reason:

The Local Planning Authority is satisfied on balance that the drawings propose a form of development which addresses design, amenity, landscape and highway matter in line with development plan policies DVS1, DVS2, DVS3 and TRA6.

- (3) The proposed development shall be constructed in accordance with the following schedule of materials:-

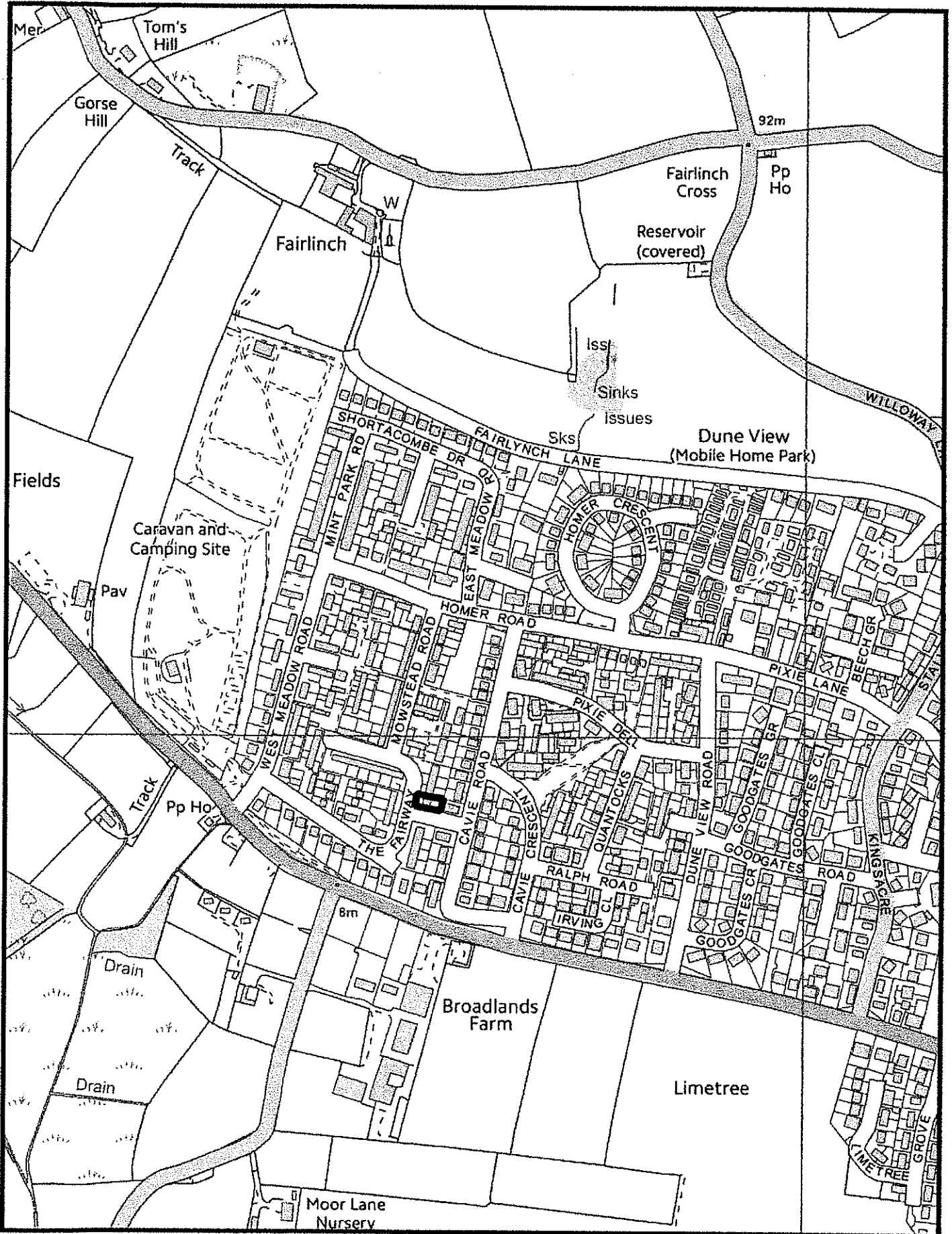
Walls – Render & Cedral Cladding;
Roof – GRP Flat Roof;
Fence – Timber.

Reason:

In the interests of the appearance of the development and locality.

INSERT(S) TO FOLLOW OVERLEAF

1. OS Location Plan



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

64382 - 36 The Fairway, Braunton

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Committee Report

Scale: 1:5000
Date: 28th March 2018
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App. No. **64472** Reg. **07/02/2018**
 L. Bldg. Expired: **09/05/2018**
 Parish **ILFRACOMBE**
 Case Officer: **Miss J. Pine**

Applicant: **MRS SALLY NELSON**
 Agent: **GRAINGE ARCHITECTS**

Proposal: **APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 NOTIFICATION BY NORTH DEVON COUNCIL FOR ERECTION OF NEW MULTIPURPOSE WATERSPORTS CENTRE WITH BOAT & EQUIPMENT STORAGE FACILITIES, SHOWERS, CHANGING ROOMS, TEACHING SPACE & CAFÉ & PURPOSE BUILT SLIPWAY (RESUBMISSION OF 57487 WITH AMENDED SLIPWAY DESIGN)**
 Location: **ILFRACOMBE WATERSPORTS CENTRE LARKSTONE LANE ILFRACOMBE EX34 9FQ**

PROPOSAL

The application is for the erection of a multipurpose watersports centre with boat and equipment storage facilities, showers, changing rooms, teaching space and cafe at Larkstone Cove, Ilfracombe. The proposed development is to provide improved conditions for local watersports groups in Ilfracombe. In addition to the facilities within the building, the design includes boat storage facilities within a new boatyard and a new slipway access to the water.

With respect to the proposed building, the ground floor of the building provides secure boat and equipment storage for local watersports, with showers, changing rooms and wc's. On the upper floor is a café with internal and external seating areas featuring views across the water. The café would act as the main lobby space for the watersports centre and would be clearly visible and accessible from the public domain. The café would provide opportunities for club advertising / display boards and is also linked to a multi-use teaching space. The building would be split across two storeys and creates a total floor area of 371 square metres.

The application forms a revised submission of that previously approved under reference No. 57487 on 9th February 2015. This permission has subsequently expired and the revised proposals seeks to renew the permission and include amendments to the scheme.

RECOMMENDATION

APPROVE subject to conditions

SITE AND SURROUNDINGS

The application site is located in Larkstone Cove which is to the south east side of Ilfracombe Harbour, adjoining Larkstone Beach. Larkstone Cove is clearly visible from the pier across the water and the watersports centre would be set back against the steeply sloping ground to the west of the site. This area is separated from the Council car park to the west by a grass bank and access to the site is by way of a tarmac path from the south. There is an existing historic limekiln to the east of the site which is to be retained by the development. The site is located within a protected landscape, being within the Conservation Area, Area of Outstanding Natural Beauty, and Coastal Preservation Area. The site is also within Flood Zones 2 and 3.

REASON FOR REPORT TO MEMBERS

The applicant and owner of the site is North Devon Council.

POLICY CONTEXT

At the time of writing this report, the prevailing policy context comprises the adopted North Devon Local Plan (July 2006) and its saved policies and also the emerging Joint North Devon and Torridge Local Plan which was examined at hearing sessions that took place in November / December 2016 and January 2018.

Pending formal adoption of the Joint Local Plan, the weight to be given to the policies in the emerging plan is as set out in the document 'Weight to be given to policies of the emerging North Devon and Torridge Local Plan' circulated to officers 21st, November 2017 and paragraph 216 of the National Planning Policy Framework (March 2012).

Relevant policies in the emerging Joint Local Plan may be given substantial weight given the advanced stage the plan has reached and the circumstance that the plan's strategic and development management policies are not subject to any further main modification or challenge.

Development Plan

North Devon Local Plan 2006	Emerging Joint North Devon and Torridge Local Plan (2011-2031)
<p>DVS1: Design DVS2: Landscaping DVS3: Amenity Considerations DVS4: Public Health and Safety DVS6: Flooding and water quality</p> <p>ENV2: The area of outstanding natural beauty ENV5: Coastal preservation areas ENV8: Biodiversity ENV11: Protected species ENV12: Locally important wildlife or geological sites ENV13: Nationally important archaeological remains ENV14: Locally important archaeological sites ENV16: Development in conservation areas</p> <p>TRA1a: Promoting sustainable transport choices TRA6: General highway considerations TRA7: Non residential parking</p> <p>ECN1: Employment on non-allocated land in Barnstaple and the area centres</p> <p>COM4: Community facilities</p> <p>REC5: Public Open Space</p> <p>REC7: Water Based Recreation</p> <p>ILF7: Harbour Development</p>	<p>Policy ST01: Principles of Sustainable Development Policy ST02: Mitigating Climate Change Policy ST03: Adapting to Climate Change and Strengthening Resilience Policy ST04: Improving the Quality of Development Policy ST05: Sustainable Construction and Buildings Policy ST06: Spatial Development Strategy for Northern Devon's Strategic and Main Centres Policy ST09: Coast and Estuary Strategy Policy ST10: Transport Strategy Policy ST11: Delivering Employment and Economic Development Policy ST13: Sustainable Tourism Policy ST14: Enhancing Environmental Assets Policy ST15: Conserving Heritage Assets Policy ST22: Community Services and Facilities Policy ST23: Infrastructure</p> <p>Policy DM01: Amenity Considerations Policy DM02: Environmental Protection Policy DM03: Construction and Environmental Management Policy DM04: Design Principles Policy DM05: Highways Policy DM06: Parking Provision Policy DM07: Historic Environment Policy DM08: Biodiversity and Geodiversity Policy DM08A: Landscape and Seascape Character Policy DM09: Safeguarding Green Infrastructure Policy DM10: Green Infrastructure Provision Policy DM12: Employment Development at Towns, Local Centres and Villages Policy DM17: Tourism and Leisure Attractions Policy DM19: Town and District Centres</p> <p>Policy ILF: Ilfracombe Spatial Vision and Development Strategy Policy ILF05: Harbour / Seafront Tourist Area</p>

National Planning Policy Framework.

CONSULTEE RESPONSES

Countryside and Landscape Officer

No response received at time of preparing the report.

Devon County Council Archaeology

I refer to the above application and your recent consultation. The consent granted for application 57487 is conditional upon a programme of archaeological work being undertaken in mitigation for any impact upon the historic environment - Condition 4.

I would therefore advise that any consent granted for this revised planning application should be conditional upon the same worded archaeological condition.

Devon County Council Highways

No response received at time of preparing the report.

Environment Agency

The application will be acceptable provided that conditions are included on the subsequent planning permission to agree ecological mitigation measures and the detailed design of the flood defence and other mitigation measures. You may also want to include a condition to ensure that the ground floor of the boathouse will only be used for water compatible activities.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already.

The suggested wording for the recommended conditions are set out below together with our advice relating to biodiversity and flood risk.

Condition – Ecological Mitigation Measures

The development hereby permitted should not be commenced until such time as a scheme to mitigate the loss of intertidal habitat has been submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented and subsequently maintained unless otherwise agreed in writing by the local planning authority.

Reason

To mitigate the loss of habitat.

Condition – Flood Defence and Mitigation Measures

The development hereby permitted should not be commenced until such time as the detailed design of the seawall and other mitigation measures have been submitted to and approved in writing by the local planning authority. The details shall include:

- The detailed design of the wave return wall, slipway and flood gates;
- The detailed design of the flood resistant measures to ensure that the building can resist loads from waves and/or overtopping; and
- The detailed design of the flood resilience measures for the building.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the works have been completed in accordance with the details and timetable agreed. The seawall and mitigation measures shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason

To reduce flood hazards to an acceptable level for the new development.

Advice to the applicant/LPA – Biodiversity

We welcome the changes to the design of the slipway which have been made to support and incorporate some of the feedback provided by us on the previous application. We have reviewed the ecological survey and assessment 'Survey of intertidal habitats at Larkstone Cove, Ilfracombe' (Aquatronics Ltd., July 2017) and note that the proposal will still result in the loss of intertidal habitat. Of this, 152 sq.m is assessed as moderate local conservation interest.

We support the suggested ecological mitigation measures (section 5 of the above report), although our view is that these cannot fully compensate for the permanent loss of intertidal habitat. The loss would be extremely hard to fully compensate. Therefore, in addition to the suggested mitigation measures, we suggest that your Authority asks for a long-term commitment by the community watersports centre to promoting local coastal and marine conservation. For example, the centre management could:

- provide some local interpretation about the value of marine coastal habitats for visitors and users; and
- raise awareness of marine conservation issues amongst their users and commit to positive conservation activities such as marine litter picking in nearby coves, or other locally beneficial activities recommended by marine conservation experts. These measures could perhaps be delivered in partnership with Devon Wildlife Trust; the proposal is within the North Devon Voluntary Marine Conservation Area (VMCA).

Additional ecological enhancements could be achieved by amending the planting plan to encourage more native species to be used as opposed to the sycamore and olearia.

With regard to the washdown area we hope that its function would be to improve biosecurity by promoting 'check, clean, dry' processes:

<http://www.nonnativespecies.org/checkcleandry/index.cfm>. We recommend that this is accessible to boats. Ensuring maximum benefit for good biosecurity will do the most to protect the biosecurity for the area. This may also include some consideration of water drainage. Kate Hills is SWW lead for Invasive Non-native species and the applicant may wish to discuss this matter with her.

We consider that the above-mentioned condition will be sufficient to ensure that appropriate mitigation measures are secured to off-set the loss of intertidal habitat and, where possible, achieve a long term benefit to biodiversity in the cove.

Advice to the applicant/LPA – Flood Risk

The submitted Flood Risk Assessment (FRA) (rev A, November 2014) is acceptable, however we consider that further details of the mitigation measures outlined in section 2.5.7 are sought. We consider that the above-mentioned condition will be sufficient to ensure that these details are agreed before any development commences.

Environmental Health

I have reviewed this application in relation to Environmental Protection matters and comment as follows:

1. Land Contamination

I have reviewed the CGL Geotechnical and Geoenvironmental Interpretative Report dated July 2017. The report concludes that the levels of contamination recorded in the investigation are not potentially harmful to human health given the proposed end use or to the water environment and no further action or specific remedial measures are required.

Given the above, I recommend the following condition be imposed:

Contaminated Land Reactive Condition

Should any contamination of soil or groundwater not previously identified be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

To ensure that any contamination existing and exposed during the development is identified and remediated.

2. Construction Phase Impacts

In order to ensure that the local environment and users of neighbouring land are not unreasonably affected by dust, noise or other impacts during the construction phase of the development, I recommend the following conditions be imposed:

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 and must include wheel-washing facilities;
- g) control of fugitive dust from 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) details of measures to safeguard the aquatic environment
- 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 and to safeguard the aquatic environment.

Construction Hours Condition

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 and visitors.

3. Foul Drainage

I understand the intention is to connect the development to public mains foul drainage. I also understand that a disused nearby CSO has been permanently abandoned. I therefore have no comments on this aspect of the proposals.

Heritage and Conservation Officer

No objection to the proposals contained within the amended plans. The revised slipway design, although longer, is likely to have less of an impact upon the character of the beach than the concrete apron as previously proposed. I note from the plans, however, that there are various features that I haven't seen detailed designs for. These include the fencing and gates between the boat storage compound and the main building, the flight of steps and walls to the rear, and the hard surfacing details for the area in front of the building. It would be useful to see these details.

Historic England

Thank you for your letter of 13 February 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England have provided advice on a broadly similar scheme in letters dated 25 July 2014 and 17 December 2014 (planning application reference 2014-57487). That scheme was granted planning permission on 09 February 2015. Subsequent pre-application advice was also provided in 2017 for a revised proposal. The current

application is for the erection of a new multi-purpose watersports centre with boat and equipment storage facilities, showers, changing rooms, teaching space and cafe, and purpose built slipway. The application proposes the renewal of the previous planning permission with some alterations - to the building's mass and position, building materials, the proportion of windows and to the slipway.

The approved scheme developed via various iterations and as a result of discussions with the local planning authority and Historic England. Previous advice from Historic England has identified that harm is caused to this part of Ilfracombe conservation area by the scheme given its existing character as an undeveloped and rugged wooded cove, however, mitigation could reduce the level of harm. Specifically, Historic England recommended against the loss of the Victorian retaining sea wall, the introduction of a new curved topped sea wall, and the creation of a large hard standing around the new building which would introduce an urban quality and make the new structures more obtrusive in views. In our opinion the landscaping scheme required improvement to soften the impact of the new building and retain the dominantly wooded setting of the cove. Of particular concern was the new concrete slipway which introduced a prominent man-made structure especially when exposed at low tide. Historic England recommended the introduction of timber to the sides of the new slipway to try to soften its appearance and also a change in materials at the base of the slip to create a visual transition to softer materials. Further suggestions including controlling the final colour of the concrete and the reuse of the stone either as structural building material or as cladding, to soften visual impact and to retain quality materials in the new design.

Historic England is pleased to see that many of the previous suggestions have been taken into account and that design changes have been made to mitigate the impact of the new development. The mitigation will go some way to reducing the overall visual impact and create a more recessive structure against the existing backdrop. However, the massing and scale of the ramp is still likely to result in some harm to the character and appearance of this section of the conservation area, especially in longer ranged views from across the harbour. We appreciate that there are limited options by which to minimise the visual impact further through amendments to its layout and also that the principle of this form of development has already gained permission. Your Council will need to consider the wider public benefits against the harm that has been identified. The council must ensure that these benefits outweigh the harm caused, as set out under paragraph 134 of the National Planning Policy Framework (NPPF).

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Recommendation

Historic England has some concerns regarding the application on heritage grounds. Those concerns arise from the fundamental change to the character and appearance of the cove by the proposed development. However, Historic England acknowledges the considerable work carried out by the designers to mitigate harm and considers that it is for the local planning authority to determine if the wider benefits of the scheme justify the level of harm caused.

In determining this application, you should bear in mind the statutory duty of section 72(1) 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 Conservation Areas.

Ifracombe Town Council

Members were in favour of this application, however, the meeting was not quorate with declared interests and voting did not take place. Cllrs: P Crabb, M Edmunds and G Fowler declared a personal interest in this item and left the room.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

Designated sites: no objection subject to mitigation

The development is within 300m of the Bideford to Foreland Point Marine Conservation Zone. We consider that without appropriate mitigation the application could damage or destroy the interest features for which the MCZ has been notified. In order to mitigate these adverse effects and make the development acceptable mitigation measures are required. Further advice is provided below.

Landscape: The proposed development site is within the North Devon Area of Outstanding Natural Beauty (AONB) which is a nationally designated landscape. The policy and statutory framework to guide your decision and the role of local advice are explained at Annex A.

Natural England's advice on protected species and other natural environment issues is set out in Annex A.

Designated sites

Bideford to Foreland Point Marine Conservation Zone (MCZ)

The development is within 300m of the Bideford to Foreland Point MCZ. All public authorities have a legal duty to further the conservation objectives for MCZs as far as is consistent with the proper exercise of their functions. MCZs are a material consideration in the determination of planning applications.

Based on the information provided, it is our view that the designated features would not be significantly impacted by these proposed works. However, as the works are within the intertidal area, and to protect the MCZ features from loss of sediment from the system and an increase of turbidity and smothering of notified features for example, we recommend mitigation in line with the Environment Agency's Pollution Prevention Guidelines should be secured to minimise impacts during the construction phase.

In general for works on the intertidal area we would advise the following:

- Vehicle movements on the foreshore are kept to a minimum and access/egress routes clearly defined,
- No storage of equipment on the foreshore,
- Use of materials that are not toxic to the marine environment, use of accelerants in concrete to ensure fast setting, and measures to ensure no leakage of materials (e.g. concrete) into the marine environment.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

We understand that a formal application to the Marine Management Organisation (MMO) for a harbour revision order will be required.

Although the proposal at Larkstone Lane does not require any dredging, the revision order itself makes reference to dredging and given the proximity of the MCZ we would seek reassurance from North Devon Council that Natural England would be consulted prior to any dredging works taking place.

Annex A

Landscape

Having consulted the AONB partnership for the previous application (57487), Natural England does not believe that this proposed development would impact significantly on the purposes of designation of the North Devon Area of Outstanding Natural Beauty (AONB).

The development is in close proximity to the South West Coast Path National Trail (SWCP NT). We would recommend that the developer works closely with the Coast Path Officer for North Devon to ensure appropriate mitigation measures are incorporated to ensure there are no adverse effects on the National Trail.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONB's and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan or appropriate saved policies.

The AONB Partnership will have knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, which will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment or appropriate LVIA can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice.

Local sites

You should consider the impacts of the proposed development on any local wildlife sites, including North Devon Council's own key network features, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Environmental Enhancements

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures.

We welcome the efforts that the applicant has gone to in avoiding impacts on the marine environment by considering a more open design for the slipway; incorporating opportunities for biodiversity in the seawall and slipway; constructing from land; keeping vehicle movements on the foreshore to a minimum; and the use of non-toxic materials.

We note that a detailed Construction Environmental Management Plan (CEMP) is proposed to ensure that any construction impacts are minimised. Tracking across and disturbance of the harbour bed should be minimised and can be achieved by marking out access routes across the foreshore and ensuring works are restricted to as small an area as possible.

Based on the information provided the project will result in the loss of intertidal habitats (shingle and bedrock), as a result of the slipway, which could not be fully compensated. Various mitigation measures were identified in section 5 of the survey of intertidal habitats report (Larkstone Cove, Ilfracombe: Aquatronics Ltd., September 2014).

There are likely to be further opportunities to enhance the biodiversity in the structure of the slipway and sea wall to compensate for the loss of intertidal habitat. Further information on techniques can be found at http://www.hornsby.nsw.gov.au/data/assets/pdf_file/0017/41291/Environmentally-Friendly-Seawalls.pdf You may also find 'Eco-engineering of artificial coastal structures to enhance biodiversity: An illustrated guide' useful <http://urbanproject.org/assets/pdf/Firth-Image%20guide.pdf>

In addition to securing a long-term commitment by the community water sports centre to promoting local coastal and marine conservation, the Environment Agency suggested further design mitigation and enhancements to create niche habitats to mimic natural features which will promote the colonisation of a diversity of organisms. These included:

1. Stone facing and rough cement finishes: textures with surface complexity will aid attachment of micro-organisms (e.g. barnacles and algae).
2. Timber cladding over concrete walls: texture enables colonisation and gaps behind provide refuge.
3. Deep pointing/re-pointing: recesses in mortar between stonework provide niches and increase surface area.
4. Tidal pools (artificial rock pools): vary sizes, depths, heights etc. Can be set into horizontal and vertical faces (the latter requires a lip to retain water) in seawalls, breakwaters, slipways etc. Most suitable for middle and low tide zones. Example dimensions: 10cm diameter/wide x 5cm deep, 15cm wide/diameter x 10cm deep.

5. Small crevices/holes: vary sizes, depths, heights etc. to provide niche habitat. Slots or drilled/formed holes. Example dimensions: slot 10cm x 1cm wide x 2cm deep, hole 2cm diameter, 5cm deep.
6. Loose rocks/boulders placed at the base of walls or in voids: to provide niche habitat underneath and between rocks. They will also dissipate wave energy. They should not be placed on valuable foreshore and benthic habitats. Local stone should be used where possible.
7. Cellular paving rather than concrete hard-standing will retain some foreshore/seabed habitat (e.g. slipways, aprons).
8. Incorporating hollow or boulder-filled spaces will provide more habitat, surface area and space for water than solid structures (e.g. slipways, pontoons).
9. Elevated structures should be overhanging if possible to minimise habitat loss (e.g. cantilevered walkways, floating pontoons). Shading should be minimised.

Opportunities for terrestrial enhancements might include:

- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating nest sites for swallow, house martin, house sparrow, swift boxes or bat boxes

South West Water

I refer to the above application and would advise that South West Water has no objection subject to agreement being reached in relation to any new buildings located in close proximity to the public sewer crossing the site.

For information we are already in discussion with the drainage consultants acting for the developer as noted in the drainage strategy submitted with the application in addition to this the foul sewage overflow also referred to in the drainage report has been de-commissioned/abandoned and no longer in use.

REPRESENTATIONS

At the time of preparing this report no letters of objection and no letters of support have been received relating to the application (copies of all the letters have been made available prior to the Planning Committee meeting in accordance with agreed procedures).

PLANNING HISTORY

Reference	Proposal	Decision	Date
63082	Erection of one storage building	Approved	13/09/13
57484	Application under regulation 3 of the T&CP General Regulations 1992 for erection of multipurpose watersports centre with boat & equipment storage facilities, showers, changing rooms, teaching space & café.	Approved	09/02/15
55387	Creation of boat storage area on land adjacent to the youth canoeing club	Approved	24.05.13
43724	Proposed change of use from toilets to canoe/kayak/small boat store.	Approved	26.03.07

16279	Application under Regulation 3 of the T&CP Gen Regs 1992 in respect of proposed conversion of part of existing kiosk to form disabled persons toilet together with alterations to existing toilets.	Approved	24.11.92
76/630/34/3	Proposed conversion of public shelter to form refreshment block.	Approved	23.06.76

SUMMARY OF ISSUES

The main issues the Local Planning Authority needs to consider in order to approve planning permission relate to the principle of the development, design of proposal and works involved, impact on the protected landscape which includes the Conservation Area, ecology, archaeology, drainage issues, impact on amenity of any occupiers of neighbouring properties, and highway matters.

PLANNING CONSIDERATIONS

Principle of Development:

Policy ILF7 of the North Devon Local Plan, permits proposals for leisure development in Ilfracombe Harbour, where it enhances the built heritage, it preserves or enhances the character and appearance of the AONB and Conservation Area, does not interfere with other operations and adequate access and servicing is made. In a similar vein, the more general Policy REC7 permits water-based activity, subject to similar criteria. The objectives of the emerging Policies ILF, ILF5 and DM17 are also consistent with the above existing policies.

Policy COM4 (community facilities) states that a development proposal for a community facility will be permitted within or immediately abutting the main built up area of a town providing the scale of the facility is related to the needs of the local community, it does not harm the character of the settlement or the surrounding countryside; and it is accessible to a range of transport modes. This is again echoed within emerging Policy ST22.

One of the key topics of the National Planning Policy Framework relates to promoting healthy communities with access to high quality open spaces and opportunities for sport and recreation outlined as making an important contribution to the health and well-being of communities. It is considered that this development will be in line with this aim. Therefore it will be a balance between providing a much needed community facility against the impact on the protected landscape.

The development proposed includes a cafe which is considered in accordance with Policy ILF7 as this policy allows commercial uses in the harbour area. It is considered that this commercial use would not have a significant detrimental impact on the vitality and viability of the existing town centre or harbour uses.

The development proposed is considered to be acceptable in principle providing it is in accordance with the other relevant policies of the development plan in place.

The proposal also accords with a number of the objectives set out in the Ilfracombe Strategic Plan 2010 – 2020 (adopted by Ilfracombe Town Council 11th. January 2010) relating to tourism development (Objective 3), capitalising on opportunities provided by the

town's natural environment (Objective 9) and delivering improved public places (Objective 11).

In particular, paragraph 7.8 of the Strategy reads:

"The harbour should become a hub for recreational activities, not only for the local clubs including the yacht and gig clubs, but also as an attraction in its own right offering recreational water sports activities such as kayaking, sailing and rafting. A water sports activity centre would be supported which could combine to offer in addition rock climbing, mountain biking and coasteering as well as hill-walking and fishing".

Design:

The watersports centre is set back against the steeply sloping ground to the west of the site which will allow for the creation of a boatyard at the front of the building. The applicant states that the building has been positioned to ensure that the existing historic limekiln to the east will not be adversely affected by the development. The Design and Access Statement provided comments that 'the scale of the proposed building has been carefully considered in terms of its relation to the surrounding landscape and impact on views to and from Ilfracombe harbour. Larkstone Cove is clearly visible from the pier across the water and the proposed two-storey building is sensitively designed to nestle unobtrusively against the hillside. The 'inverted V' roof form opens up towards the water and thereby provides generous views from the café. However, it is lower at the back in order to preserve the excellent existing views over the harbour from the higher ground behind the site.'

The design of the development relating to the roofline also avoids obscuring the two existing navigation lights on the site. These indicate the best shipping channel into the harbour and the proposed development has been designed to accommodate the harbourmaster's requirements for visibility. The watersports centre is intended to be an attractive contemporary addition to Ilfracombe's harbour area. The proposed materials are natural stone, timber and copper, that are used locally and will weather over time. The architect comments that the proposed copper cladding will gradually acquire a patina which will complement the tones of the landscape and look attractive when viewed from above.

It is considered that additional landscaping could be carried out to soften the appearance of the development further when viewed from the opposite side of the harbour. Therefore a condition is recommended for the landscaping scheme as submitted on the plan to be provided. On this basis, the development is considered to comply with Local Plan Policy DVS1.

Impact on the protected landscape, including the Conservation Area:

The site is within a protected landscape and one of the main issues would be to ensure that there is not a significant detrimental impact on the character of the area. It is considered that this facility would alter the character of the area but consideration of the present application requires that the need for this community facility and any potential impact on the designated landscape and Conservation Area forms part of the planning balance.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a

general duty on a Local Planning Authority in respect of conservation areas in the exercise of their planning functions. In the exercise, with respect to any buildings or other land in a designated conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area which may be identified in a Character Appraisal.

The scheme, in conjunction with the Harbour Revision Order application has been subject to detailed discussions with Historic England and the Councils Heritage and Conservation Officer (HCO). This process has involved meetings on site to discuss the design details which would soften the development, whilst all parties acknowledging the development will change the character of Larkstone Cove irreversibly and that the execution of the development proposed, along with its community benefits would ensure that its harm is adequately negated.

Historic England comment positively on the design revision which have resulted from continuing discussions with them in respect of the revisions to the scheme. Historic England however conclude that due to the fundamental changes to the nature of the cove, particularly the mass and scale of the ramp required, will result in harm to the Conservation Area, and therefore conclude that it is for the LPA to apply the test of paragraph 134 of the NPPF in ensuring that the public benefits of the scheme outweigh the harm if approval is to be forthcoming.

In terms of the Council's HCO, she has raised no concerns in respect of the amended design however requests that the finer details of the treatment of the steps accessing the site from the car park, fencing and gates and surface treatments is provided to the LPA for consideration. It is considered these details can be obtained by a Planning Condition.

In considering the AONB in the context of the NPPF, the scheme would represent development within the AONB and as such paragraph 114 and 115 would apply. The proposals carry significant economic benefits to the tourism economy of the local area and the site is considered to be sustainable given its location within walking distance of the town. In terms of the criteria in paragraph 115, to develop outside of the designated area, given that the majority of North Devon Coastline is within the AONB and in many places much more sensitive to change than the site itself, the site as selected is the most feasible location for the development. The proposal would enhance recreation opportunities and enjoyment of the coast. As such the development is considered to be acceptable in light of paragraph 114 and 115 of the NPPF.

In terms of applying the balance of paragraph 134 of the NPPF and the requirements in respect of the designated landscape, the proposed building would provide a public facility to give safe access to watersports within the Ilfracombe Area, where at present the facilities are substandard and act as a barrier to additional engagement of the community in watersports within the coastal Town. As well as providing the facilities, the building will also provide public access to the café and therefore added public awareness of watersports and other coastal matters. As well as the social benefits from the unique recreational facility, the build out and subsequent use of the building, and the café would also provide economic benefits to the town which is already identified by the Council as a deprived area and a central focus for regeneration opportunities.

On this basis, whilst there would be an impact on the current character of the area, on balance it is considered that the need for the development and the potential benefits would outweigh concerns over impact on the change of character to this area. The use of

natural stone for the seawall and further landscaping would be implemented to reduce any detrimental impact on this current character.

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).

The proposed development, which seeks to amend the design of the slipway, would result in changes to the intertidal habitat area as a result of the development. In consultation with Natural England they have advised the site is within 300 metres of the Bideford to Foreland Point Marine Conservation Zone (MCZ) which is a National Designation under the Marine and Coastal Access Act (2009) required to protect marine features. Whilst Natural England do not foresee any adverse impacts to the designated area as a consequence of the development, it is advised the Environment Agency good practise is strictly adhered to during the construction phase to prevent pollution, which can be controlled by planning conditions.

In terms of protected species and other habitats, subject to a Construction Environmental Management Plan (CEMP) condition, there are not considered to be any adverse impacts on any protected species or their habitat,

The NPPF requires development to provide enhancement to biodiversity where possible and the NE response details where there are opportunities for the creation of habitat as a means of both mitigation and enhancement, particularly in the design and finished to the sea wall and slipway, as well as some terrestrial enhancements relation to tree planting, lighting, SUDS and bird and bat boxes. A condition, as suggested by the EA has been imposed requiring these details and an informative note provided to the applicant of the enhancements to consider.

The above features can be controlled by the imposition of planning conditions and as such subject to this, the proposed development is not considered to result in any adverse harm to any designated site, protected species or their habitat in accordance with Local Plan Policies ENV11 and ENV12 and the biodiversity objectives of the NPPF.

Archaeology:

The Archaeologist of the Historic Environment Team at Devon County Council has commented that the proposed development involves groundworks around the site of the historic limekiln complex at Larkstone Cove and that these groundworks have the potential to expose archaeological and artefactual material associated with the functioning of the limekiln here. Therefore, for this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) he advises that any consent should carry a standard condition. This condition has been recommended as part of this development and therefore subject to inclusion of the condition would comply with Local Plan Policy and the NPPF.

Drainage Issues (including Flood Risk):

In terms of foul drainage provision, South West Water have been consulted on the application as it would adopt a mains connection. Whilst there is no objection to the scheme, they draw the LPA's attention to the mains sewer pipe which runs through the site and the need for prior agreement with SWW as to the building in close proximity to the sewer. This can be done outside of the planning system. The earlier application raised points in relation to a foul sewerage overflow within the cove, which it has been confirmed has now been de-commissioned therefore would not affect development at the site or water quality issues with users of the facility.

With respect to Flood Risk and the sequential test, this development would appear to be a mix of a water compatible development and a less vulnerable development given the cafe use on the first floor. The Environment Agency has reviewed that flood risk assessment and has recommended conditions relating to flood defence and other mitigation measures. On the earlier application the EA stated that a condition could also be imposed to ensure that the ground floor of the boathouse will only be used for water compatible activities. These conditions are recommended on this report as they are still relevant to the proposal.

On the matter of the flood risk Sequential Test being satisfied in accordance with the National Planning Policy Framework (NPPF), it is considered this watersports development cannot be located anywhere else in Ilfracombe. This view is based on the requirements of being able to access safe water and be easily accessible by users. There are also no other known locations which would fall within a flood risk zone 1 and have the required space to provide the necessary facilities. Therefore, the development is considered to comply with policy DVS6 of the North Devon Local Plan.

Impact on Amenity:

With regard to other matters, in terms of the impact on amenity to nearby properties, due to the location being relatively secluded, the height and scale of the proposed building and works involved, it is considered that Policy DVS3 of the North Devon Local Plan 2006 would be complied with. There is adequate separation involved to the nearest neighbouring residential property with the cove already being used by a number of clubs for watersports.

Impact on the Access

The Local Highway Authority has no objections to this planning application. Whilst no car parking is proposed, vehicular movement will be limited to the short-term loading, delivery and collection of boats and equipment. The site is within close proximity of public car parks and close to other public transport services. In addition to this, a number of watersports clubs already operate from this cove. The public rights of way across the site, including slipway access and the South West Coast Path, will be respected and maintained.

The existing ramped path into the site from the road will form the main pedestrian access and will be adapted to ensure DDA compliant access to the building's entrance. A new flight of steps forms a secondary pedestrian access route to the building from the road. The entrance will be clearly visible on approach and provide level access into the upper floor of the building. Wheelchair access to the lower level will be facilitated by the existing

lane along the eastern edge of the site. The development is accordingly considered to comply with Local Plan Policies TRA1a, TRA6 and TRA7.

CONCLUSION

Whilst the development would alter the character of the area, it is considered that the principle of the proposed development complies with district and local policies which permit water-based activities along developed parts of the coast with the development providing a community facility. On balance, it is considered that there would not be a significant detrimental impact on the protected landscape and approval is recommended subject to 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

DETAILS OF RECOMMENDATION

APPROVE, subject to the following 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 plans submitted as part of the application numbered 997/P200 Rev A, 997/P202 Rev C, 997/P203 Rev B, 997/P204 Rev C, 997/P205 Rev A, 997/P206 Rev A, 01 Rev B, MT01170608 A ('the approved plans').

Reason:

To confirm the drawings to which the consent relates and to ensure the development accords with the approved plans.

- 3) The ground floor of the premises and the external storage yard shall be used for boat storage and for no other purpose(s) (including any other purpose(s) in class/classes B8 of the Schedule to the Town and Country Planning (Use) Classes Order 1987, or any order revoking and re-enacting that Order).

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.

- 4) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of

investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

- 5) The development hereby permitted should not be commenced until such time as a scheme to mitigate the loss of intertidal habitat has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained unless otherwise agreed in writing by the local planning authority. The applicant is advised to see notes No.2 and 3 below for advice on the additional mitigation and enhancements suggest by the Environment Agency and Natural England.

Reason

To mitigate the loss of habitat.

- 6) The development hereby permitted should not be commenced until such time as the detailed design of the seawall and other mitigation measures have been submitted to and approved in writing by the local planning authority. The details shall include:
- The detailed design of the wave return wall, slipway and flood gates;
 - The detailed design of the flood resistant measures to ensure that the building can resist loads from waves and/or overtopping; and
 - The detailed design of the flood resilience measures for the building.

Prior to occupation of the site, the above works shall have been completed in accordance with the details and timetable agreed. The seawall and mitigation measures shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason

To reduce flood hazards to an acceptable level for the new development. This is a pre-commencement condition to ensure that the design of the development is adequately safeguarded from tidal flood events from the start of construction. Failure to supply this information in advance of development commencing on site would result in a flood event and contravention of Environment Agency standing advice.

- 7) Should any contamination of soil or groundwater not previously identified be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

8) 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.

9) 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 and must include wheel-washing facilities;
- g) control of fugitive dust from 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) details of measures to safeguard the aquatic environment

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 protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway and to safeguard the aquatic environment. This is a pre-commencement condition to ensure that through the construction phase all surrounding environs are safeguarded from the impacts of development. Failure to discharge this condition prior to commencement of works could result in complaints to the Council's Planning Enforcement and Environmental Health Officers.

- 10) Prior to their installation, the following details shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter installed and retained in perpetuity:
- Facing stone for the seawall (including a sample panel)
 - Facing and roofing materials of the watersports building
 - Colour sample of the concrete to be used for the slipway
 - Details of the hard surfacing to be installed around the building
 - Details of any fencing or gates proposed to be erected around the site
 - Details of materials for the walls and steps to be installed to the west of the building

Reason:

To ensure that the visual amenity of the area is not adversely affected by reason of the appearance of the type and colour of materials to be used in the proposed development.

- 11) All planting, seeding or turfing comprised in the approved details of landscaping 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.

Notes to Applicant:

1. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>.
2. The Environment Agency (EA) note the findings of the ecological survey and assessment 'Survey of intertidal habitats at Larkstone Cove, Ilfracombe' (Aquatronics Ltd., July 2017). The report describes a intertidal habitat, mostly rock, pebbles and gravel. Of this, 152 sq.m is assessed as moderate local conservation interest. The EA support the suggested ecological mitigation measures (section 5 of the above report), although their view is that these cannot fully compensate for the permanent loss of intertidal habitat. The loss would be extremely hard to fully compensate.

Therefore, in addition to the suggested mitigation measures, the EA suggest that the Authority ask for a long-term commitment by the community watersports centre to promoting local coastal and marine conservation. For example, the centre management could:

- provide some local interpretation about the value of marine coastal habitats for visitors and users; and

- raise awareness of marine conservation issues amongst their users and commit to positive conservation activities such as marine litter picking in nearby coves, or other locally beneficial activities recommended by marine conservation experts. These measures could perhaps be delivered in partnership with Devon Wildlife Trust; the proposal is within the North Devon Voluntary Marine Conservation Area (VMCA).
3. The EA comment that the submitted Flood Risk Assessment (FRA) (rev A, November 2014) is acceptable, however they consider that further details of the mitigation measures outlined in section 2.5.7 are sought. They consider that the flood risk condition will be sufficient to ensure that these details are agreed before any development commences.

Based on the information provided the project will result in the loss of intertidal habitats (shingle and bedrock), as a result of the slipway, which could not be fully compensated. Various mitigation measures were identified in section 5 of the survey of intertidal habitats report (Larkstone Cove, Ilfracombe: Aquatonics Ltd., September 2014).

There are likely to be further opportunities to enhance the biodiversity in the structure of the slipway and sea wall to compensate for the loss of intertidal habitat. Further information on techniques can be found at http://www.hornsby.nsw.gov.au/__data/assets/pdf_file/0017/41291/Environmentally-Friendly-Seawalls.pdf You may also find 'Eco-engineering of artificial coastal structures to enhance biodiversity: An illustrated guide' useful <http://urbaneproject.org/assets/pdf/Firth-Image%20guide.pdf>

In addition to securing a long-term commitment by the community water sports centre to promoting local coastal and marine conservation, the Environment Agency suggested further design mitigation and enhancements to create niche habitats to mimic natural features which will promote the colonisation of a diversity of organisms. These included:

1. Stone facing and rough cement finishes: textures with surface complexity will aid attachment of micro-organisms (e.g. barnacles and algae).
2. Timber cladding over concrete walls: texture enables colonisation and gaps behind provide refuge.
3. Deep pointing/re-pointing: recesses in mortar between stonework provide niches and increase surface area.
4. Tidal pools (artificial rock pools): vary sizes, depths, heights etc. Can be set into horizontal and vertical faces (the latter requires a lip to retain water) in seawalls, breakwaters, slipways etc. Most suitable for middle and low tide zones. Example dimensions: 10cm diameter/wide x 5cm deep, 15cm wide/diameter x 10cm deep.
5. Small crevices/holes: vary sizes, depths, heights etc. to provide niche habitat. Slots or drilled/formed holes. Example dimensions: slot 10cm x 1cm wide x 2cm deep, hole 2cm diameter, 5cm deep.
6. Loose rocks/boulders placed at the base of walls or in voids: to provide niche habitat underneath and between rocks. They will also dissipate wave energy. They should not be placed on valuable foreshore and benthic habitats. Local stone should be used where possible.

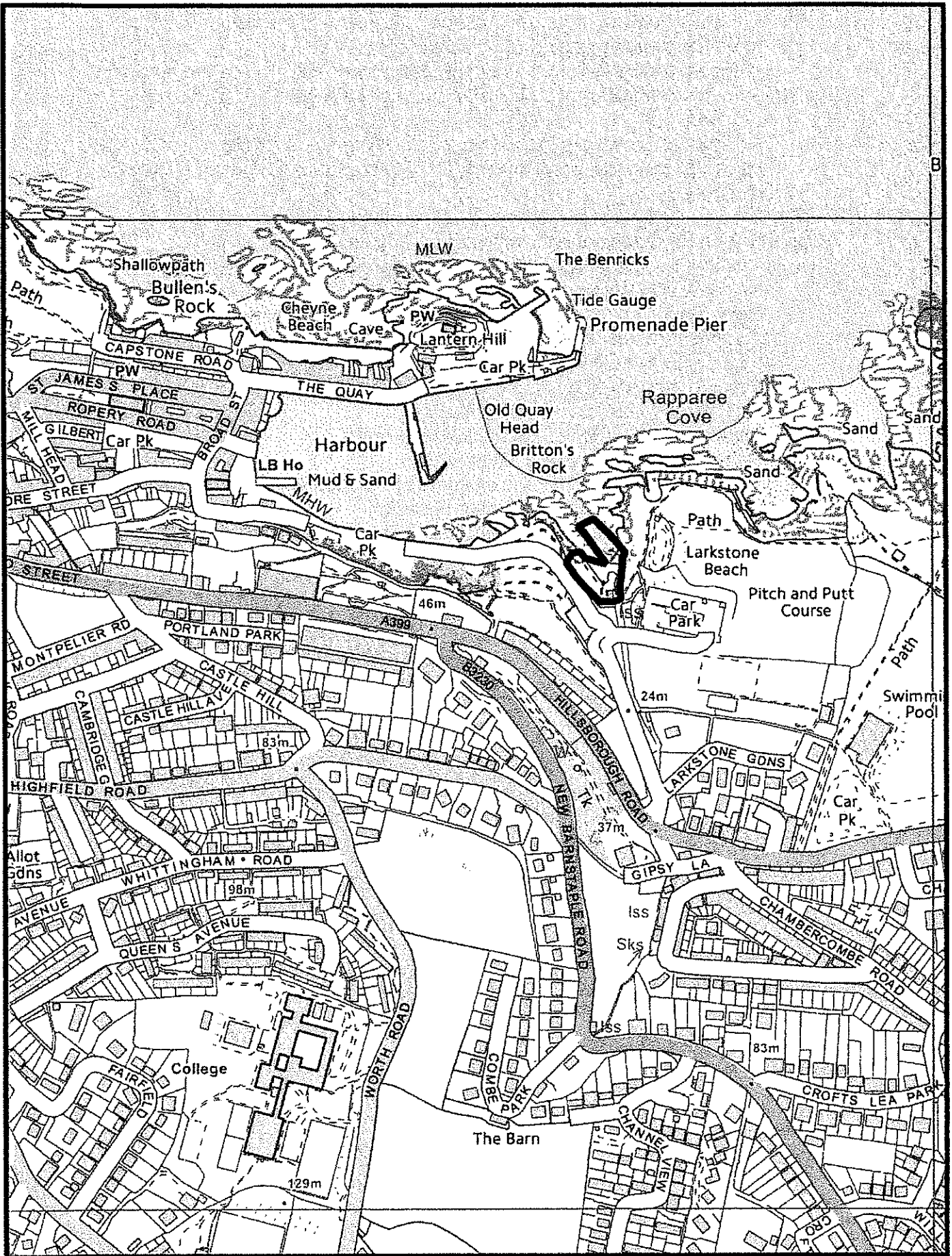
7. Cellular paving rather than concrete hard-standing will retain some foreshore/seabed habitat (e.g. slipways, aprons).
8. Incorporating hollow or boulder-filled spaces will provide more habitat, surface area and space for water than solid structures (e.g. slipways, pontoons).
9. Elevated structures should be overhanging if possible to minimise habitat loss (e.g. cantilevered walkways, floating pontoons). Shading should be minimised.

Opportunities for terrestrial enhancements might include:

- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating nest sites for swallow, house martin, house sparrow, swift boxes or bat boxes into the design of new buildings.
- Incorporating bee bricks into buildings
<https://greenandblue.co.uk/product/bee-brick/>
- Designing lighting to encourage wildlife.
- Where sustainable drainage systems are proposed their amenity and wildlife value can be increased with careful design
https://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf

INSERT(S) TO FOLLOW OVERLEAF

1. OS Location Plan



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

64472 - Ilfracombe Water Sports Centre

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Scale: 1:5000
Date: 28th March 2018
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