



Public Document Pack

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

K. Miles
Chief Executive.

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the Barnstaple Rugby Club on **WEDNESDAY, 3RD JULY, 2024 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 Mill Road Car Park (adjacent to the Rugby Club – 40p per hour, maximum stay 3 hours), 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 Planning Committee

Councillor Davies (Chair)

Councillors Bishop, Bulled, Crabb, Denton, Haworth-Booth, R Knight, Lane, C Leaver, Maddocks, Prowse, L. Spear, Walker, Whitehead and Williams

AGENDA

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting held on 5th June 2024 (Pages 9 - 12)
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declaration of Interests

Please telephone the Corporate and Community Services team to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called. A declaration of interest under the Code of Conduct will be a Disclosable Pecuniary Interest, an Other Registrable Interest or a Non-Registrable Interest. If the item directly relates to your interest you must declare the interest and leave

the room for the item, save in the case of Other Registrable Interests or Non-Registrable Interests where you may first speak on the item as a member of the public if provision has been made for the public to speak. If the matter does not directly relate to your interest but still affects it then you must consider whether you are affected to a greater extent than most people and whether a reasonable person would consider your judgement to be clouded, if you are then you must leave the room for the item (although you may speak as a member of the public if provision has been made for the public to speak) or, if you are not, then you can declare the interest but still take part).

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

PART A

6. **76857: Land at Ley Lane Patchole, Barnstaple, Kentisbury, EX31 4NB** (Pages 13 - 32)

Erection of open market dwelling (amended size, scale, siting and design) - amended description & plans. Report by Senior Planning Officer (attached).

7. **78362: Land at Chulmleigh Bridge Fore Street Hill Chulmleigh Devon EX18 7ES** (Pages 33 - 52)

Retrospective application for the erection of an agricultural building for the storage of agricultural machinery, straw, hay and fodder, and market gardening purposes together with mezzanine floor, welfare facilities and first floor balcony (amended red outline). Report by Senior Planning Officer (attached).

8. **78425: Larkstone Cafe, Larkstone Leisure Park, Larkstone Garden, Ilfracombe, EX34 9QG** (Pages 53 - 76)

Part retrospective change of use of former tennis courts to pitches for motor homes and a public car park with WC block. Resurfacing of existing track to provide access to private parking / motor homes area and delivery area. Widening / improvement to existing site entrance. Report by the Senior Planning Officer (attached).

9. **78668: Old Town Station North Walk Barnstaple, Devon, EX31 1DF** (Pages 77 - 88)

Installation of 5 no. hardwood, double glazed opening casement windows, in the platform area of the building. Report by Planning Officer (attached).

10. **To consider if any Planning Site Inspections are required and to agree the reason(s) and date(s) for those inspections to be held.**

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

NIL

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

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

"If a Member:

- (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;*

They shall not:

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

REGISTERING TO SPEAK

- If you wish to address the Planning Committee you should contact the Committee Administrator in advance of the Committee on 01271 388253 or speak to them 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 beeped). **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. Members of the public that attend meetings must be aware that these meetings are open to the public and so therefore both individuals and the Council itself have the right to record the meeting. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chair of the meeting will make sure any request not to be filmed 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 Chair 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 recording should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be filmed. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be filmed must advise the Chair at the earliest opportunity to allow them to be directed to an area in the room where they will not be caught on camera. Subject to paragraphs 1, 2 and 3 above, audio recordings shall be permitted at all times during public meetings.
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).



25.06.24

NORTH DEVON COUNCIL

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 5th June, 2024 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Bulled, R Knight, Lane, C Leaver, Maddocks, Prowse, L. Spear, Walker, Whitehead and Williams

Officers:

Service Manager (Development Management), Legal Advisor, Planning Officer and Senior Planning Officer

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Denton and Haworth-Booth.

22. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 1ST MAY 2024

RESOLVED that the minutes of the meeting held on 1 May 2024 (circulated previously) be approved as a correct record and signed by the Chair.

23. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

(a) Order of Agenda

The Chair advised that item 8 (planning application 78488) would be considered prior to item 6 (planning application 77028) on the agenda.

24. DECLARATION OF INTERESTS

The following declaration of interest was announced:

Councillor Lane Planning application 78375, non registerable interest as the owner of the site was known to him.

25. 78488: RUNNYMEADE GARDENS WILDER ROAD ILFRACOMBE DEVON

The Committee considered a report by the Planning Officer (BC) (circulated previously) regarding planning application 78488.

The Planning Officer (BC) reported the receipt of a consultation response from Ilfracombe Town Council, who were supportive of the proposals, which had been received since the publication of the agenda.

In response to questions from the Committee, the Planning Officer (BC) advised the following:

- It was anticipated that the proposed new cavity retaining wall would replicate the existing wall using traditional stone. It would be a stone facing wall.
- The costs of the works were not a material planning consideration.

In response to questions from the Committee, the Service Manager (Development Management) advised the following:

- That a sample of the stone could be requested with delegated powers being given to the Service Manager to discharge the condition.
- The Property Team would go out to tender for the construction works and the works would be carried out by an approved contractor.

Councillor Williams (in her capacity as Ward Member) addressed the Committee.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Planning Officer (BC) subject to condition 3 being amending to include a pre-commencement condition requesting stone sample panel to be provided and that power be delegated to the Service Manager (Development Management) in consultation with the case officer to discharge the condition in consultation with the Ward Member.

26. 77028: CASTLE INN, BLAKES HILL ROAD, LANDKEY

Councillor Prowse arrived.

The Committee considered a report by the Planning Officer (DJ) (circulated previously) regarding planning application 77028.

The Senior Corporate and Community Services Officer read out statements to the Committee on behalf of Mr and Mrs Waldron (supporters) and Steve Shepherd (objector).

In response to questions from the Committee, the Service Manager (Development Management) advised the following:

- The Noise Management Plan (NMP) would include a number of monitoring checks. Other monitoring would also be undertaken as part of other legislation in terms of the licensing and noise.

- Conditions could only included if they met the tests of being reasonable and enforceable.
- An informative note could be included requesting the landlord or supervisor notify neighbours prior to events taking place.
- The NMP had been produced by an acoustic professional and there was a more positive relationship between the acoustic professional and the applicant. If there was a breach of the NMP, this would be a condition of the planning permission therefore enforcement action could be taken.
- The NMP included that no incidental music, ambient music will be played in the dining spaces. She read out the approach as detailed on page 18 of the agenda.

Councillor Lane addressed the Committee in his capacity as Ward Member.

RESOLVED (unanimous) that the application be APPROVED as recommended by the Planning Officer (DJ) subject to the following:

- (a) Condition 1 being removed.
- (b) Condition 3 being amended to “The use of the beer garden, dining structure, Smoke house and BBQ structure hereby approved be carried out strictly in accordance with the submitted Noise Management Plan received in February 2024”;
- (c) That an Informative Note be included on the decision notice requesting that the landlord notify adjoining neighbours of live music events prior to events taking place.

27. 78375: LAND AT SOUTH VIEW, BRATTON FLEMING

The Committee considered a report by the Senior Planning Officer (JJ) (circulated previously) regarding planning application 78375.

Councillor Lane re-declared his non registerable interest and left the meeting during the consideration thereof.

The Senior Corporate and Community Services Officer read out a statements to the Committee on behalf of Barry Darroch-Plant (objector).

In response to questions from the Committee, the Senior Planning Officer (JJ) advised the following:

- The proposal would result in the net gain of one parking space. One parking space would be lost in the communal area, with two to be provided adjacent to the dwelling.
- Condition 6 had been brought forward from the previous planning permission to retain the existing trees and hedgebank to the northern and eastern boundary of the application site.

Councillor Prowse addressed the Committee in his capacity as Ward Member.

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

28. APPEAL REPORT

The Committee noted that no appeals had been received since the date of the previous Committee meeting.

29. TO CONSIDER IF ANY PLANNING SITE INSPECTIONS ARE REQUIRED AND TO AGREE THE REASON(S) AND DATE(S) FOR THOSE INSPECTIONS TO BE HELD.

The Chair reminded the Committee of the annual site inspections taking place on the morning of Wednesday 26 June 2024 and the formal site inspection taking place on the afternoon of the 26 June 2024 in relation to planning application 76809.

Chair

The meeting ended at 11.05 am

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

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	76857
Application Type:	Full Application
Application Expiry:	15 September 2023
Extension of Time Expiry:	15 September 2023
Publicity Expiry:	29 April 2023
Parish/Ward:	KENTISBURY/BRATTON FLEMING
Location:	Land at Ley Lane Patchole Barnstaple Kentisbury EX31 4NB
Proposal:	Erection of open market dwelling
Agent:	Woodward Smith Chartered Architects
Applicant:	Mr Kent-Smith & Ms Grigg
Planning Case Officer:	Mr S. Emery
Departure:	Y
EIA Development:	
EIA Conclusion:	
Decision Level/Reason for Report to Committee (If Applicable):	Committee call in from Councillor Prowse – To discuss policy context.

REPORT UPDATE

Judicial Review Of Previous Decision

This application was presented to the Planning Committee on 6th September 2023 where contrary to the Officer recommendation, Members resolved that the decision for approval be delegated to the Service Manager (Development Management) in consultation with the Ward Member to negotiate changes to the application in terms of the scale, size and location of the dwelling and that if there was disagreement that the application be presented to the Committee for consideration as the Committee accepted the principle that it was within the built form in accordance with Policy DM23.

On 30th January 2024, following the submission of amended plans, the development was considered to be acceptable, in accordance with the decision made by the Committee. Planning permission was therefore granted subject to conditions.

On 8th February 2024 the Council received a judicial review pre-action protocol letter challenging the decision made by the Committee.

On 3rd April 2024 a Consent Order was issued by the High Court of Justice allowing the judicial review and concluding that the aforementioned decision be quashed on the grounds

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that decision should have, but failed, to give any or any adequate reasons for its decision to grant planning permission contrary to Officer's recommendation.

Therefore the application has to be reconsidered as originally submitted. The following therefore returns the report as presented to the Planning Committee on 6th September 2023 for consideration. The recommendation made by Officers remains that planning permission should be refused for the reasons as detailed in the following report.

Previous Report as Presented to Members 6/09/2023

Site Description

The site is located part of the cluster of development at Patchole made up of a selection of dwellings centred around the road junction. The site is accessed from an unclassified road, with the land at a higher level from the road and enclosed by established hedgerows. The site appears to have been used for recreational purposes with a summer house and formal planting having taken place on site.



Site from the Highway



Existing Shed on Site

Recommendation

Refused

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
39564	ERECTION OF TIMBER FRAMED STUDIO & ERECTION OF 2 POLYTUNNELS at LAND AT NORTH PATCHOLE (OS PT 6142NW), , KENTISBURY, BARNSTAPLE, EX314NB	FULL PLANNING APPROVAL	6 June 2005
65825	ERECTION OF ONE SELF BUILD, LOCAL NEEDS SUSTAINABLE DWELLING at LAND AT NORTH PATCHOLE PADDOCK, , , KENTISBURY, BARNSTAPLE, DEVON, EX31 4NB	WITHDRAWN	14 December 2018

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Reference Number	Proposal	Decision	Decision Date
66536	Erection of one Local Needs Affordable Dwelling (Amended Description) at North Patchole Paddock, Patchole, Kentisbury, Barnstaple., Devon EX31 4NB	Refused	13 October 2020

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Chivenor Safeguard Zone Consultation Any Development	Within constraint
Landscape Character is: 5C Downland	Within constraint
Listed Building Curtilage (Adjacent to)	5.85
Non Mains Drainage Site: 65825	Within constraint
Non Mains Drainage Site: 66536	Within constraint
Unclassified Road	
USRN: 27501272 Road Class:R Ownership: Highway Authority	4.89
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within:, SSSI 5KM Buffer in North Devon (Exmoor NP),consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in NorthDevon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Exmoor and Quantock Oakwoods, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
Within:Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM23 - Residential Development in defined Settlements without development boundaries ST01 - Principles of Sustainable Development ST03 - Adapting to Climate Change and Strengthening Resilience ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets ST17 - A Balanced Local Housing Market ST19 - Affordable Housing on Exception Sites	

Consultees

Name	Comment
Building Control Manager Reply Received 17 August 2023	No comments received.
Councillor M Prowse Reply Received 3 May 2023	Cllr Prowse called-in the application to be discussed at Planning Committee
Environmental Health Manager Reply Received 3 April 2023	<p>1 Residential Amenity</p> <p>A sizeable building is shown in close proximity to the southwest of the proposed dwelling, The building appears to be in separate ownership. Certain uses of this building could significantly impact the amenity of future occupiers of the dwelling (such as due to noise, odour or flies),</p> <p>Based on satellite imagery, the building appears to be under the control of and used in connection with the dwelling at Lower Basepark. I would not expect uses that are ancillary to the dwelling to cause any significant amenity concerns.</p> <p>If the above understanding is incorrect, and the nearby building is authorised for agricultural or other commercial uses that could significantly impact amenity at the application site, please let me know so I can review my comments based on the circumstances.</p> <p>2 Land Contamination</p> <p>I do not expect land contamination issues to arise in relation to the proposals. However, given the sensitivity of introducing residential uses, I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is discovered during development work:</p> <p>- Contaminated Land (Unexpected Contamination) Condition Should any suspected contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.</p> <p>3 Construction Phase Noise</p> <p>In order to reduce the risk of nearby residents being significantly impacted by noise during the construction phase of the development I recommend the following condition be imposed:</p>

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Name	Comment
	<p>- Construction Times Condition</p> <p>During the construction phase of the development no machinery shall be operated and no noisy processes undertaken outside the following times:</p> <p>a) Monday - Friday 08.00 - 18.00, b) Saturday 08.00 - 13.00 c) nor at any time on Sunday, Bank or Public holidays.</p> <p>Reason: To protect the amenity of local residents</p> <p>4 Advisory Note: Foul Drainage</p> <p>The proposed installation of a private system for treatment and disposal of foul drainage will need to comply with Building Regulations and the Environment Agency's General Binding Rules for small sewage disposal systems.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 6 April 2023</p>	<p>6/04/2023 14:29 - It is proposed to erect a new house on land to the east of Lower Basepark, in Patchole. This site is to the south of the grade II listed Higher Patchole Farm and its curtilage listed farm buildings most of which have been converted to domestic use. Lower Basepark is a relatively new single storey building, in a modern style. The land in question is currently open, and looks to be maintained as a garden area. It is not farmland, but its undeveloped nature does contribute to the open rural setting of the listed building. If the site is developed as proposed it will obviously have a house on it, so will not be open and undeveloped, and a part of the historic setting of the farmstead will be removed. The new house will be set back within the plot, is of a traditional design, and is not directly opposite the farm, so in some ways is less of an issue than it might be otherwise, but nonetheless is likely to give rise to a degree of less than substantial harm to significance arising from effect on setting. Under the terms of paragraph 202 of the NPPF, this harm will need to be balanced against the public benefits of the proposal.</p>
<p>Kentisbury & Trentishoe Parish Council</p> <p>Reply Received 13 April 2023</p>	<p>We, Kentisbury and Trentishoe Parish Council, wish to object to the proposed application and support the objections already received.</p> <p>The detailed points for opposing this application are well made by several of the objectors and for the purposes of the avoidance of establishing precedent, should be taken good note of. This is particularly true in respect of the interpretation of policy DM23. To date planners seem to have taken a very loose interpretation—to the point of absurdity in one recent planning application—of the definition of ‘Principal Built Form’ of a settlement and where the boundaries of that lie. By definition, as pointed out, a new application cannot be within the principal built form of a settlement if it is on the edge of it and therefore outside it. That would mean that the provisions of DM23(b) must apply and that is precisely the interpretation you yourselves reached on a previous application for this site.</p>

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Name	Comment
	<p>The simple fact is that there has to be an even playing field. You cannot make certain stipulations for one application and then, when a second application is received for the same site, disregard them and apply a different set of criteria.</p> <p>We would also support the view that the siting of the present application is inappropriate and unnecessarily close to the neighbouring property, not least because that property is a bungalow being overshadowed by a large house adjacent to it. The property, regardless of other considerations needs to be sited more centrally on the site to mitigate this.</p> <p>I believe that where there are 6 objections or more then it is a requirement that the application will be referred to the Planning Committee. The Parish Council's objection now makes 6. I am sure all objectors would be obliged for the relevant date in order to be able to attend and expand on their objections in person.</p>
<p>Sustainability Officer</p> <p>Reply Received 17 March 2023</p>	<p>17/03/2023 09:29 - The submitted Ecological Impact Assessment (EA) concludes that the site is of negligible value for protected species and no further survey effort is required. The proposed development is within an area or amenity grassland currently used as residential garden and all existing habitat features are to be retained. The EA recommended building integrated bat/bird boxes are appropriately illustrated on submitted Elevations.</p> <p>The EA includes recommendations for landscaping and further planting specifications should be added to a revised Block Plan.</p>
<p>Planning Policy</p>	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions.</p> <p>It should also be noted that in April 2023, the Councils published its updated 5 YHLS statement where it was concluded that a five year supply of deliverable housing sites is clearly demonstrated with a joint supply of specific deliverable housing sites equivalent to 5.9 years or 117% of the five year requirement. Therefore, this application should be considered against policies in the adopted Local Plan and not against paragraph 11(d) of the NPPF and the 'presumption in favour'.</p> <p>From a policy perspective I support the Officer interpretation of Policy DM23 in that the proposed site is not within the principle built form of Patchole but is 'well related' to the settlement where the glossary defines such locations as 'sites adjoining the main built-up form of a settlement, particularly in relation to villages</p>

Name	Comment
	<p>without identified development boundaries and 'exception sites' outside defined development boundaries'.</p> <p>I would suggest that if a development boundary were to be identified around the principle built form of Patchole then clearly, it would not include the land proposed but it would certainly adjoin the eastern boundary and therefore well related where Policies ST19, KKF and DM23 support the delivery of affordable housing to meet a locally identified need subject to the stated criteria as defined within paragraphs 7.35 and 7.36.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	6	5	0.00	0.00

Five letters of objection and 6 letters of support have been received.

The Letters of support consider that the dwelling would be an improvement to the area through an acceptable design, together with the proposed occupants being a benefit to the local community.

The concerns raised in the letters of objection can be summarised as follows:

Inappropriate form of development contrary to the Local Plan
 Harm to the setting of the adjacent listed building
 Concerns with regard to drainage
 Impact upon the amenities of Lower Base park.

The matters have been considered in the following report.

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of one open-market dwellinghouse.

The dwelling is proposed to be sited on land to the east of a dwelling known as Lower Basepark.

The dwelling is to have a simple two storey gabled form, with a double and single storey protrusion to the northwest facing elevation. The southeast elevation is to have an open porch with a balcony above.

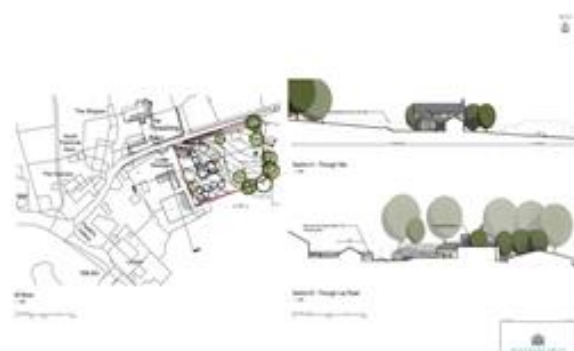
The dwellinghouse is to have a width measuring 13.4m, a depth measuring 15.84m (including the rear protrusions), an eaves height measuring 5m and a ridge height measuring 7.5m.

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The site is located within the Countryside and also adjacent to the curtilage of the grade II listed Higher Patchole Farm.



Location Plan



Proposed Block Plan



Proposed Dwelling



Aerial View of Site

Planning Considerations Summary

- Principle of development
- Design
- Amenity
- Ecology
- Flood risk and drainage
- Highways/parking

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torrington Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of development

For the purposes of the Local Plan policies, Patchole has traditionally been classed as part of the cluster of development forming Kentisbury Ford with the development in recent years

of a number of local needs dwellings between the junction with the B3229 and one directly west of the application site at Lower Basepark.

As such for the purposes of considering the application North Devon and Torridge Local Plan Policies ST07(2), Policy KKF detailing the strategy for Kentisbury and Kentisbury Ford and Policies DM23 and ST19 will apply.

Within villages such as this, development will be enabled in accordance with the local spatial strategy to meet local needs and growth aspirations. Policy KKF: Kentisbury / Kentisbury Ford Spatial Strategy clearly sets out the communities vision over the plan period which seeks to maintain the area's character and appearance for the benefit of residents, while adopting a positive approach to development well related to the village that addresses a local need and which will be delivered through the stated criteria (a) to (f).

Paragraph 12.604 recognises that 'opportunities for residential development in Kentisbury are limited', mainly due to the dispersed settlement pattern with several small settlements and therefore 'the local community would wish to consider all future housing proposals on their own merits whilst recognising the requirement to provide additional housing to meet a local need still remains, as does addressing aspirations for improvements to local services and facilities'. As Kentisbury / Kentisbury Ford does not have a defined development boundary, proposals for residential development that are appropriate in terms of scale, location and landscape impact will be supported in principle subject to the stated criteria within Policy DM23.

The principal reason behind Kentisbury/Kentisbury Ford not having a development boundary within the plan is at the request of the Parish Council who, as part of the consultation on the rural areas advised that 'the boundary as proposed should be removed and new housing should be considered through a criteria based approach on a case by case basis'.

The location of the dwelling directly next to built form at Patchole yet not within the built form therefore requires its consideration under Policy DM23(1)(b) of the NDTLP whereby the development should have an affordable focus which accords with Policy ST19 (Exceptions sites) and the first occupancy should meet local needs criteria as outlined in paragraphs 3.35 and 3.36 of the NDTLP.

The proposal should also meet all the criteria of (2) of DM23 which will be discussed in the context of the relevant planning considerations below.

In terms of Policy ST19, as set out within paragraph 7.40 of the Local Plan, 'proposals enabled through this policy need to be justified on the basis of an identified local need for affordable housing. Development proposals should reflect on, and respond to up-to-date evidence of local housing needs, such as that presented through Housing Needs Surveys. Development schemes will therefore need to be accompanied by evidence to demonstrate that a local need exists for the scale and nature of affordable housing that is proposed, in terms of the number of dwellings, their size, type and tenure. The policy will not support speculative housing proposals.'

An earlier application 65825 was withdrawn as the proposed dwelling was shown at the eastern most point of the land parcel and was not considered to be well related to the built form of North Patchole.

Agenda Item 6

A more recent application 66536 (Erection of one Local Needs Affordable Dwelling (Amended Description)) moved the dwelling closer to the western boundary where it would read with the context of the single storey local needs dwelling to the west 'Lower Basepark' and the cluster of development which extends eastwards from the road junction. The area of land subject of the application appears to have been clearly used for recreational with aerial photos showing the area regularly mowed, with a vegetable patch, a trampoline, and summerhouse, such that it is not fully agricultural in nature. This application was refused for the following reasons:

1. In the absence of a signed Section 106 agreement, securing the dwelling as a discounted sale affordable dwelling and with a local occupancy requirement in perpetuity, the development would be contrary to the requirements of Policies ST07 (2), KKF, DM23 (1)(b) and ST19 of the adopted North Devon and Torridge Local Plan.
2. In the absence of a Section 106 agreement securing the dwelling as an affordable local needs dwelling in perpetuity, the public benefits afforded to the scheme are not considered to outweigh the less than substantial harm identified to the setting of the adjacent Grade II Listed Building, Higher Patchole Farmhouse, as identified in paragraph 196 of the National Planning Policy Framework, and therefore the development neither preserves nor enhances the setting of the Listed Building contrary to the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies ST15 and DM07 of the North Devon and Torridge Local Plan.
3. In the absence of a Section 106 agreement to secure the dwelling as an affordable local needs dwelling, the social sustainability benefits cannot be used to outweigh the unsustainable location of the development. As such the development would result in the reliance on a private car to access facilities and services required on a daily basis such that it is not considered to be environmentally sustainable and is therefore contrary to Policies ST10 and DM05 of the North Devon and Torridge Local Plan and paragraphs 108 and 110 of the National Planning Policy Framework.

The current application is for an open market dwelling to be sited to the west of the site adjacent to the dwellinghouse known as Lower Basepark. The entire site will form the residential curtilage. The Planning Statement Supporting this application justifies the principle of development in stating that the proposal site is within the built form of the village. Reference is made to a recent Appeal Decision in Patchole:

'A key factor for the appeal refusal for the Land Adjacent to The Stables in Patchole, Kentisbury was primarily due to the inspector's interpretation of DM23 and what is considered principle-built form. The term itself is down to the decision maker by justification of policy and material considerations, however there is no definition setting out the meaning of the term, thus lacking in clarity. The appeal site was not considered to be part of the principle-built form by virtue that it is sited on a private lane away from Ley Lane and is not fronting the road like the majority of the settlement.

The proposed dwelling set out within this statement, has been designed to sit among the key cluster of dwellings fronting Ley Lane, and offers a significant relationship to the physical built form and appearance of Patchole. The dwelling will complement the traditional architectural vernacular of Higher Patchole, including natural stone stonework and a fronting gable end'.

However, Officers consider it appropriate to quote the Inspectors entire interpretation of said appeal site, as follows:

‘9. The settlement network that forms the village of Kentisbury comprises dispersed clusters of built form, predominately focussed along the key roads in the area. In Patchole, the principal built form is clustered around the junction between Ley Lane and Ford Hill/Stonecombe Hill, with properties primarily fronting these roads. The private lane access to the site connects to Stonecombe Hill, with built form, including Patchole Manor and buildings to its rear, located on the opposite side of the lane to the site.

10. Although three sides of the site adjoin the property boundaries associated with the principal built form, combined with existing garden areas, the two paddocks create a ‘U’ shaped gap between the existing buildings. Existing landscape features along the site boundaries also provide a visual separation between the existing built form around Ley Lane/Higher Patchole Farm and Patchole Manor. Additionally, as the appeal site is located to the rear of Spring Cottage, away from Ford Hill/Stonecombe Hill, the proposed development would not front the road unlike the majority of the principal built form of the settlement.

11. Given the above, it is my view the appeal site is not located within the principal built form of Patchole. It does, however, meet the definition of being well-related to Patchole, as it adjoins the main built up form of the settlement’.

Whilst it is noted that the current proposal will have its own access and will be situated in a similar linear alignment to that of the neighbouring dwelling, this does not alone result in a site that is within the principle built form of the village. Although it appears that the site is currently being used as a residential use, no Lawful Development Certificate has been submitted to determine the lawful use of this plot of land. At present, it is an open piece of grass land to the east of Lower Basepark. The land to the south and the east of the site is open countryside with the highway located to the north. The proposal as detailed in the plans would result in a linear extension of the built form, but would not result in development within the existing built form. It is the opinion of Officers that the built form of the village in this location ends at the eastern boundary of Lower Basepark and therefore the proposal should be considered on the basis that it is ‘well-related to the main built form of the settlement’.

Officers recommend that a consistent approach should be taken to the determination of applications in this location. It is a material consideration that the development of the dwellinghouse known directly to the west of the site, known as Lower Basepark was approved under LPA ref; 59968 on the grounds that it is an affordable dwellinghouse and that it was well related to the built form of the village. This approved scheme resulted in the relation of the siting of the dwellinghouse from the other side of the site following a refused application. The Officer’s report read as follows:

‘Under application number 59083 permission was refused in May 2015 for the erection of a local needs restricted dwelling on part of the field to the south of the existing barn on this site. The sole reason was that the development was not considered to be well related to the main built up area of the settlement in that it intruded into the green field setting of this part of the village harming the rural character.

Following discussion the current application was submitted showing the bungalow located adjacent to an existing wooden summerhouse in the North West corner of the site in front of the barn.'

Relating this planning history with the currently proposed scheme, Officers continue to recommend that the application site is well-related to the built form, not within the built form of the village and would therefore need to comply with policy DM23(b) of Local Plan.

In having regard to the above, and given that the proposal is for the provision of an open-market dwellinghouse, not an affordable housing focused development, it does not comply with policies ST19 or DM23 of the North Devon and Torridge Local Plan. These policies, amongst other provisions, seek to ensure new development achieves the principles of sustainable development and supports the implementation of the Rural Areas Strategy. Therefore there is a conflict with policies ST19 and DM23 of the Local Plan. Given that the site is not within the built form of the settlement, there is a conflict with the Local Plan. The proposed development for the provision of one open-market dwelling will not meet an identifiable need for the provision for affordable housing focused development. The Local Planning Authority considers that the harm caused in not creating housing to meet the local need will result in an unsustainable form of development. The proposal is thereby contrary to policies ST01, ST19 and DM23 of the North Devon and Torridge Local Plan.

Design and Heritage

Policy ST04 of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 of the Local Plan encourages good design and ensures that development proposals should be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood; reinforce the key characteristics and special qualities of the area in which the development is proposed; and contributes positively to local distinctiveness, historic environment and sense of place.

The site is not in any landscape designation however it does sit within 50 metres of a Grade II Listed Farmhouse. In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act. In consultation with the Heritage and Conservation Officer the following comment is made:

'It is proposed to erect a new house on land to the east of Lower Basepark, in Patchole. This site is to the south of the grade II listed Higher Patchole Farm and its curtilage listed farm buildings most of which have been converted to domestic use. Lower Basepark is a relatively new single storey building, in a modern style. The land in question is currently open, and looks to be maintained as a garden area. It is not farmland, but its undeveloped nature does contribute to the open rural setting of the listed building. If the site is developed as proposed it will obviously have a house on it, so will not be open and undeveloped, and a part of the historic setting of the farmstead will be removed. The new house will be set back within the plot, is of a traditional design, and is not directly opposite the farm, so in some ways is less of an issue than it might be otherwise, but nonetheless is likely to give rise to a degree of

less than substantial harm to significance arising from effect on setting. Under the terms of paragraph 202 of the NPPF, this harm will need to be balanced against the public benefits of the proposal'.

Whilst Officers concur with the Conservation Officer that the proposed dwelling is of a traditional form, concerns are raised with the size, scale and siting. As described above, the site currently forms part of the open landscape to the south of Ley Lane, with the larger, traditional farm buildings being located to the northwest. The neighbouring dwelling to the west, known as Lower Basepark, is a dwelling of reduced scale in the form of a bungalow. Due to the two-storey form and massing of the current proposal, together with its more elevated location above this neighbouring dwelling, it will result in a more prominent form in the local landscape that will not adhere to its setting.

Although the traditional form of the dwelling acknowledges the local vernacular, harm will be caused by the size, scale and siting of the dwelling in this open setting, and consequently on the significance of the setting of the historic building. It is therefore recommended that the proposed dwelling, by reasons of its size, scale and siting, will not respond well to the open character of the site on the edge of the settlement, which forms part of the significance of the setting of the adjacent listed building Higher Patchole Farm. The proposal will therefore will not reinforce the key characteristics and special qualities of the area in which the development is proposed; and will not contribute positively to local distinctiveness, historic environment and sense of place, contrary to policies ST04, ST15, DM04 and DM07 of the North Devon and Torridge Local Plan.

This harm would need to be balanced against any benefits of the provision of an open market dwellinghouse in this location.

Amenity

Policy DM01 of the Local Plan (Amenity Considerations) states that development will be supported where:

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

Lower Basepark

Objections have been received on the matter of amenity, especially from that of the occupants of Lower Basepark.

The dwellinghouse known as Lower Basepark is located to the west of the application site. This neighbouring dwelling has fenestration facing to the application site that serves a lounge, kitchen, utility room and a study. The proposed building will be separated by a distance of approximately 15m. The fenestration of the proposed dwelling that faces this neighbouring dwelling are to the ground floor and serve a lounge, wc, and a utility room.

On the matter of privacy, it is noted that proposed dwelling will be sited in fairly close proximity to this neighbouring property, especially given the size of the plot currently available. It is also noted that this neighbouring dwelling is located on lower ground to that of the application site. However, the proposed dwelling is not proposed to have first floor windows to this elevation. The insertion of such windows post-development, that are not obscure glazed and fixed shut (unless the parts opened are more than 1.7m above the finished floor level of the room to which they are to serve) would not be 'permitted development', therefore requiring formal consent. Whilst the buildings would be within close

proximity, the proposed ground floor windows would not have an outlook of this neighbouring dwelling and therefore there will unlikely be an impact upon privacy.

It is noted that the proposed dwelling proposed to have a balcony to the southeast elevation. Due to the siting of the balcony within close proximity of the neighbouring dwelling, together with the elevated position of the proposed dwellinghouse in comparison, it is likely that the users of the balcony would have uninterrupted outlook of this neighbouring property. Whilst not large, at a depth of 1.6m and a width of 3.7m, the balcony would be large enough to encourage its use for longer periods of time. Given its size, together with its siting 15m from this neighbouring dwelling, it is reasonable that if minded for approval, planning permission should be subject to a condition that ensures securing in perpetuity a privacy screen measuring 1.8m in height to the west elevation of the balcony.

With regard to outlook, it is agreed that the outlook from this neighbouring dwelling would be affected by the size and siting of the proposed dwelling. However, given the distanced separating the properties, this will not be to an extent as to warrant a refusal of the application.

With regard to light provision, given the orientation of the dwellings and the distance separating, this proposal will not result in harm.

Whilst the concerns raised by the occupants have been acknowledged, this proposal will result in an acceptable relationships with this neighbouring dwelling.

Other neighbouring properties

Given the spacing between the proposed dwelling and the other neighbouring dwellings, this proposal will not result in harm to neighbour amenity.

Future occupants

The application accords with National Space Standards. The external amenity space is acceptable.

Environmental Health Officer's comments

The Environmental Health Officer (EHO) raised the following comments with regard to a neighbouring building:

'A sizeable building is shown in close proximity to the southwest of the proposed dwelling. The building appears to be in separate ownership. Certain uses of this building could significantly impact the amenity of future occupiers of the dwelling (such as due to noise, odour or flies),

Based on satellite imagery, the building appears to be under the control of and used in connection with the dwelling at Lower Basepark. I would not expect uses that are ancillary to the dwelling to cause any significant amenity concerns.

If the above understanding is incorrect, and the nearby building is authorised for agricultural or other commercial uses that could significantly impact amenity at the application site, please let me know so I can review my comments based on the circumstances'.

In looking at the planning history, it appears that this barn it not used for any purposes that would result in odour, noise of flies. Given that Lower Basepark was approved to be sited adjacent to this barn, it is unlikely that its siting will result in harm.

The EHO also recommended that, in order to reduce the risk of nearby residents being significantly impacted by noise during the construction phase of the development, a construction times condition be imposed. Officers recommend that such a condition is acceptable to protect the amenities of nearby residents, in accordance with policy DM02 of the Local Plan.

Finally, the EHO recommended an Unsuspected Contamination condition to cover the possibility that unexpected contamination is discovered during development work. Such a condition is necessary to ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.

Amenity Summary

In considering the above, and in considering that this proposal would not result in harm to any other neighbouring dwelling, this proposal accords with the amenity considerations of the Local Plan

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 2017 (Habitats Regulations 2017).

Policy DM08 of the Local Plan states that Adverse impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to: (i) the legal tests afforded to them where applicable; or otherwise unless (ii) the need for and benefits clearly outweigh the loss. Also, where adverse impacts are unavoidable they must be adequately and proportionately mitigated, if full mitigation cannot be provided, compensation will be required as a last resort.

Given the information received, it is unlikely that the development would result in harm to protected species. However, it is reasonable that any grant of planning permission be subject to a condition that states that prior to the approved extension being brought into use, a bat and bird box shall be sited on the building and shall be retained thereafter. This is considered to be reasonable to achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 174 of the National Planning Policy Framework.

The Sustainability Officer has commented that the Ecological Appraisal supporting this application recommends landscaping and further planting specifications to be added to the Block Plan. It is reasonable that a landscaping scheme could be produced on this site to result in a net gain in biodiversity. Although for the reasons as outlined above Officers recommend refusal for this application, if minded for approval, it is reasonable that any grant of planning permission be subject to a condition requiring the submission and approval of a landscaping scheme prior to the commencement of development.

Flood Risk and Drainage

The site is located within Flood Zone 1 and not within a Critical Drainage Area. Flood risk is therefore not a constraint.

The EHO has recommended that, if minded to grant planning permission, the decision should include an advisory note with regard to foul drainage that states that: 'The proposed installation of a private system for treatment and disposal of foul drainage will need to comply

with Building Regulations and the Environment Agency's General Binding Rules for small sewage disposal systems'.

Highways

Policy DM05 of the Local Plan (Highways) states that: (1) All development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and (2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

Policy DM06 of the Local Plan (Parking Provision) states that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regard to the:(a) accessibility and sustainability of the site; (b) availability of public transport; (c) provision of safe walking and cycling routes; and (d) specific scale, type and mix of development. Proposals must also encourage the use of sustainable modes of transport through careful design, layout and integration to the existing built form.

The scheme provides sufficient off-road parking and vehicle turning facilities. The development proposes to use an existing vehicular access. The development will not result in harm to highway safety and capacity.

Planning Balance

The proposal is for the development of an open-market dwellinghouse. However, Officers contest that whilst it is noted that the current proposal will have its own access and will be situated in a similar linear alignment to that of the neighbouring dwelling, this does not alone result in a site that is within the principle built form of the village. The land to the south and the east of the site is countryside with the highway located to the north. The proposal as detailed in the plans would result in a linear extension of the built form, but would not result in development within the existing built form. It is the opinion of Officers that the built form of the village in this location ends at the eastern boundary of Lower Basepark (which itself was granted planning permission as an affordable dwelling due to it being well-related to the built form) and therefore the proposal should be considered on the basis that it is 'well-related to the main built form of the settlement'.

Given that the proposal is for the provision of an open-market dwellinghouse, not an affordable housing focused development, it does not comply with policies ST19 or DM23 of the North Devon and Torridge Local Plan. These policies, amongst other provisions, seek to ensure new development achieves the principles of sustainable development and supports the implementation of the Rural Areas Strategy. Officers therefore recommend that the application be refused for the reason that the application site is considered to be well-related to the existing settlement of Patchole. The proposed development for the provision of one open-market dwelling will not meet an identifiable need for the provision for affordable housing focused development. The Local Planning Authority considers that the harm caused in not creating housing to meet the local need will result in an unsustainable form of development. The proposal is thereby contrary to policies ST01, ST19 and DM23 of the North Devon and Torridge Local Plan.

In addition, Officers recommend that the proposed dwelling, by reasons of its size, scale and siting, will not respond well to the open character of the site on the edge of the settlement, which forms part of the significance of the setting of the adjacent listed building Higher Patchole Farm. The proposal will therefore will not reinforce the key characteristics

and special qualities of the area in which the development is proposed; and will not contribute positively to local distinctiveness, historic environment and sense of place, contrary to policies ST04, ST15, DM04 and DM07 of the North Devon and Torridge Local Plan.

Whilst the other matters as considered in the above report are acceptable, and the support for the application as received has been noted, the adverse impacts of the development significantly and demonstrably outweigh the benefits. The proposed development conflicts with the development plan when read as a whole.

Officers therefore recommend refusal for this application.

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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Refused

Legal Agreement Required: No

Reason(s) For Refusal

1. The application site is not within the built form of the existing settlement of Patchole. The proposed development for the provision of one open-market dwelling will not meet an identifiable need for the provision of affordable housing focused development. The Local Planning Authority considers that the harm caused in not creating housing to meet the local need will result in an unsustainable form of development. The proposal is thereby contrary to policies ST01, ST19 and DM23 of the North Devon and Torridge Local Plan.
2. The proposed dwelling, by reasons of its size, scale and siting, will not respond well to the open character of the site on the edge of the settlement, which forms part of the significance of the setting of the adjacent listed building Higher Patchole Farm. The proposal will therefore will not reinforce the key characteristics and special qualities of the area in which the development is proposed; and will not contribute positively to local distinctiveness, historic environment and sense of place, contrary to policies ST04, ST15, DM04 and DM07 of the North Devon and Torridge Local Plan.

Informatives

1. The following plans were considered during the determination of this application:-
K134 22 201 Location Plan and received on the 14/03/23,
K134 22 202 Block Plan & Sections A-B Proposed and received on the 14/03/23,
K134 22 301A Elevations, Floors & Roof Proposed and received on the 14/03/23,

2. INFORMATIVE NOTE: -
POLICIES AND PROPOSALS RELEVANT TO THE DECISION

Development Plan

North Devon and Torridge Local Plan 2018: -

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM04 - Design Principles

DM05 - Highways

DM06 - Parking Provision

DM07 - Historic Environment

DM23 - Residential Development in defined Settlements without development boundaries

ST01 - Principles of Sustainable Development

ST03 - Adapting to Climate Change and Strengthening Resilience

ST07 - Spatial Development Strategy for Northern Devon's Rural Area

ST14 - Enhancing Environmental Assets

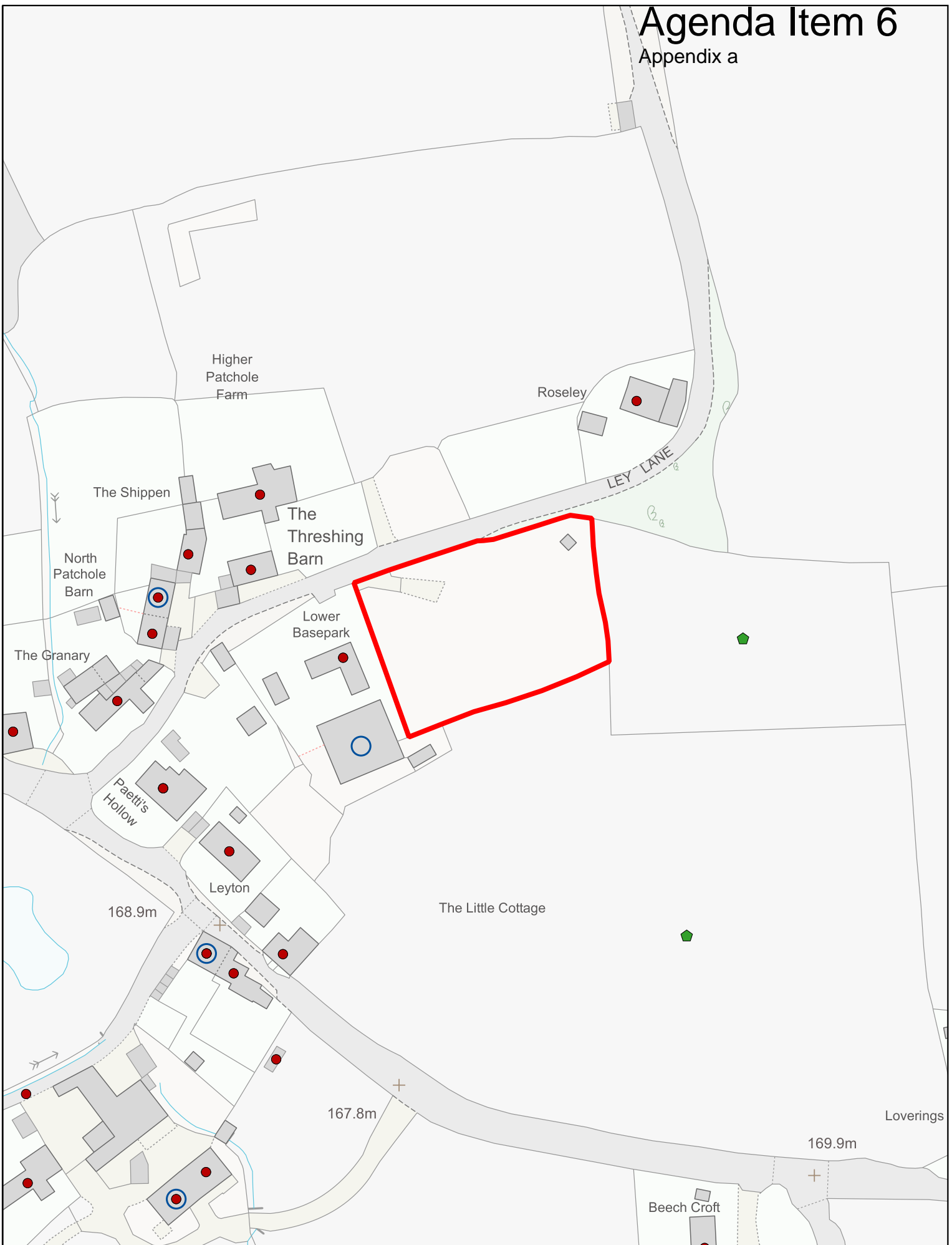
ST15 - Conserving Heritage Assets

ST17 - A Balanced Local Housing Market

ST19 - Affordable Housing on Exception Sites

3. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.



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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	78362
Application Type:	Full Application
Application Expiry:	2 July 2024
Extension of Time Expiry:	17 May 2024
Publicity Expiry:	14 June 2024
Parish/Ward:	CHULMLEIGH/CHULMLEIGH
Location:	Land at Chulmleigh Bridge Fore Street Hill Chulmleigh Devon EX18 7ES
Proposal:	Retrospective application for the erection of an agricultural building for the storage of agricultural machinery, straw, hay and fodder, and market gardening purposes together with mezzanine floor, welfare facilities and first floor balcony (amended red outline)
Agent:	GRC Planning Ltd
Applicant:	Mr Laurence Delamar
Planning Case Officer:	Mrs D. Butler
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee: The application has been called to planning committee by Cllr Davies to allow the consideration of the intensification of the use, appropriateness of market gardening in the flood plain and the domestic elements.

Site Description

The site is a parcel of agricultural land to the south of Chulmleigh. The site is accessed from a newly created gateway and gravel track which leads to the barn. The site is relatively level with rising land to the north and south. The fields are bounded by hedgerows and trees and the adjacent land is generally fields and woodland. The barn was approved under a prior notification application in 2019 reference 66686. The barn has however not been built in accordance with the approved plans with numerous alterations.



Location Plan



Site Plan from original permission

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
62960	FORMATION OF REPLACEMENT FIELD ACCESS at LAND ADJACENT TO CHULMLEIGH BRIDGE, FORE STREET HILL, , CHULMLEIGH, , DEVON,	FULL PLANNING APPROVAL	13 June 2017
66686	AGRICULTURAL BUILDING WORKS PRIOR APPROVAL FOR ERECTION OF BARN TO STORE HAY, FODDER AND AGRICULTURAL MACHINERY at LAND ADJACENT TO CHULMLEIGH BRIDGE, FORE STREET HILL, , CHULMLEIGH, , DEVON, EX36 7EA	AGRIC PRIOR APP NOT REQ	28 May 2019
72908	Prior notification for creation of hardcore agricultural track at Longmeadow Farm Chulmleigh Devon EX18 7ES	Refused	22 March 2021
73157	Creation of agricultural access track at Longmeadow Farm Chulmleigh Devon EX18 7ES	Approved	17 February 2022

Constraints/Planning Policy

Agenda Item 7

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Landscape Character is: 3H Secluded valleys	Within constraint
Unclassified Road	
USRN: 27502025 Road Class:B Ownership: Highway Authority	2.76
USRN: 27505600 Road Class:YBR Ownership: Highway Authority	11.24
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 30	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM03 - Construction and Environmental Management DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM14 - Rural Economy ST01 - Principles of Sustainable Development ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST05 - Sustainable Construction and Buildings ST07 - Spatial Development Strategy for Northern Devon's Rural Area	

Consultees

Name	Comment
Chulmleigh Parish Council Reply Received 4 April 2024	<p>This is a retrospective application and since we now see part of what has been proposed, we are unable to accept this as a purely agricultural building for the storage of agricultural products, machinery and market gardening purposes and on top of that the idea of having a first floor balcony for storage of agricultural products and market gardening products seems to us to be completely contradictory.</p> <p>Therefore the view of the Parish Council is to refuse this application.</p> <p>We are very surprised that no ecological survey was done especially being in a Level 3 flood plain and in an acknowledged</p>

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Name	Comment
	<p>biodiversity area. We understand that a large sized septic tank and French drainage system has been installed.</p> <p>On the application form the proposal does not require any diversions to rights of way but the location plan for the access to the building shows access along the bridleway.</p> <p>There appears to be a hardcore track which has been laid across the meadow for access from the highway to the building.</p>
<p>Chulmleigh Parish Council</p> <p>Reply Received 30 May 2024</p>	<p>This is a retrospective application and since we now see part of what has been proposed, we are unable to accept this as a purely agricultural building for the storage of agricultural products, machinery and market gardening purposes. In addition, the idea of having a first floor balcony for storage of agricultural products and market gardening products seems to us to be completely contradictory. Therefore the view of the Parish Council is to refuse this application.</p> <p>We are very surprised that no ecological survey was done especially being in a Level 3 Flood Zone and in an acknowledged biodiversity area. The area is within DEFRA's map for "Priority Species for CS Targeting - Brown Hairstreak" butterfly. We ask for a point of clarification as to whether market gardening specifically is allowed within a Level 3 Flood Zone.</p> <p>We understand (from Google Earth images) that a large sized septic tank and French drainage system has been installed outside the red outline. The statement by the agent in his letter dated 7th May 2024 that "the building is not connected to a septic tank" does not deny that a septic tank and French drains may have been installed without planning permission. The statement in the same letter that "the bund has been removed" is an admission that a bund was installed without planning permission and therefore other suspected breaches, such as the septic tank, should be investigated.</p> <p>We note that access to the site is no longer from the Public Bridleway. The applicant may have access rights to his building on foot, on horseback, or on a bicycle via the Public Bridleway, but it is clear that no other access has been granted by the owner of the land on which the bridleway is situated.</p> <p>Access to the site is proposed to be via an agricultural access track (Planning Application 73157). Condition No.3 of the Decision Notice for this track stated the materials be Granite Chippings. We would ask for an investigation into the claim that builder's rubble was used in the construction of this track contrary to the conditions of the planning approval. We would ask that any material other than granite chippings be removed at the applicants expense. We would ask further that the removed material be screened to aid the</p>

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Name	Comment
	<p>ongoing investigation into claims of brown asbestos and/or other contaminated material in the track.</p> <p>Chulmleigh Parish Council note that the original application form failed to mention the details which have now appeared on this retrospective application which raises the question of openness, transparency and honesty relating to the questions and the previous answers given.</p>
<p>Councillor K Davies</p> <p>Reply Received</p>	<p>The application has been called to committee by Cllr Davies to allow the consideration of the intensification of the use, appropriateness of market gardening in the flood plain and the domestic elements.</p>
<p>Councillor K Davies</p> <p>Reply Received</p>	<p>No further comments</p>
<p>DCC - Public Rights Of Way</p> <p>Reply Received</p>	<p>No further comments</p>
<p>DCC - Public Rights Of Way</p> <p>Reply Received 28 March 2024</p>	<p>The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.</p> <p>Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 – Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 98).</p> <p>Devon County Council’s Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.</p> <p>It is also the County Council’s policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.</p> <p>Assessment of application</p> <p>The proposal as submitted</p>

Name	Comment
	<p>The Public Rights of Way Team has no objection to the proposal, but the applicant should be aware that public Bridleway 22 Chumleigh crosses the application site.</p> <p>Should planning permission be granted the applicant must ensure that the path is kept open and available for the public to use during site preparation and construction.</p> <p>If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order – see below – but please note that a temporary closure will not be granted to enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.</p> <p>Information</p> <p>Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way without following the due legal process, including confirmation of any permanent diversion or stopping-up order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.</p> <p>If a temporary closure is required during construction works, e.g. for safety reasons, the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order.</p> <p>Further information about public rights of way and planning is available on our website here.</p> <p>If permission is granted, please include as footnotes in the decision notice:</p> <ul style="list-style-type: none"> • The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team. • Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed. <p>Please do not hesitate to contact me if you would like further clarification.</p>

Neighbours / Interested Parties

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Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	12	0.00	0.00

Objections have been received for the following reasons:

- Non-agricultural features have been installed (mezzanine, spiral stairs, plumbing) and does not resemble a hay/fodder/storage barn.
- The little dart river is subject to improvements to reduce pollution and this development doesn't align with this.
- Materials used for the bund is from sewage works and the track contains asbestos materials.
- The use of the barn appears to be aimed at holiday use and was never built for an agricultural use. The retrospective nature of the application is an attempt to circumvent the original functional need of the building.
- The site is in Flood Zone 3 and floods. Bunds have been built to protect and redirect flooding.
- There is a large septic tank and French drains which will lead to human waste polluting the river.
- Trees have been removed and the hedgerow has been decimated due to the erection of an earth/stone bund to control run off.
- No ecological impact study has been submitted and there is associated environmental damage to flora, fauna and wildlife.
- The build can clearly be seen from the bridle path and public path running within 20 metres of the build.
- No rights of way have been granted. This location map is completely inaccurate

Considerations

Proposal Description

This application seeks retrospective application for the erection of an agricultural building for the storage of agricultural machinery, straw, hay and fodder, and market gardening purposes together with mezzanine floor, welfare facilities and first floor balcony (amended red outline)

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Existing East Elevation



Existing South Elevation



Existing West Elevation



Existing North Elevation



Ground floor internal floorspace



Timber being stored

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Timber being stored



Internal window



Hay storage on the mezzanine floor



Mezzanine floor space



Mezzanine Level



Bathroom facilities

Planning Considerations Summary

- Site history
- Principle of the development (functional need)
- Design
- Amenity
- Landscape
- Ecology and Biodiversity
- Flood risk

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Planning History

The agricultural building was approved under a prior notification application 66686 on 1st May 2019. At that time it was considered there was justification for the building in order to store hay, fodder and agricultural machinery in association with the 5.2 ha holding which was used for grazing livestock.

The building has not been built in accordance with the approved plans with the following changes having been made:

- Reduced length by 6m.
- Same height and width as approved.
- No west or east elevation doors
- Additional high level windows
- Roller shutter doors
- Steel balcony (6,5m x 1.5m) to enable access to the internal mezzanine.
- Internal mezzanine floor
- Welfare facilities (shower, toilet and sink)

The building was completed in 2021 and due to the retrospective nature of these changes it cannot be considered under a prior notification application. Following an Enforcement investigation this full application has been submitted to regularise these changes.

It is also to be noted that during the application process an amended site plan has been received to remove the PROW and adjacent track from the red and blue lines. The access track has also been clearly shown and updated to provide an accurate plan.

Principle of development

Paragraph 84 of the NPPF seeks to support a prosperous rural economy and supports the sustainable growth and expansion of all types of business in rural areas In particular in support of agricultural based activities.

Policy ST07 states that development in the countryside will be limited to meet local economic and social needs. Policy DM14 of the NDTLP allows for small scale economic development in the countryside providing that it has strong functional links to agriculture and there are no other adverse impacts.

The principle of the barn being on the site was previously established through the previous prior notification application.

Functional Need:

The applicants land holding remains the same at 5.5ha. The planning statement has indicated that the applicant is seeking to diversify into a market garden with the growing of plants, shrubs and bee keeping. Some of these plants are to be high valued/rarer species.

The applicant has advised the Local Planning Authority that his proposed plan is to plant clover and other bee friendly crops/plants at this site to facilitate his own bee keeping aviary plans. This includes the production of high grade quality honey. The applicant is seeking to encourage pollen rich biodiversity with a planned programmed or tree and shrub planting.

The applicant aims to start some market gardening of vegetable and flower crops but as there are deer roaming the fencing needs to be finished first. There is timber being stored in the barn which will be used for this fencing.

The Agricultural Holdings Act 1986 defines 'agriculture' as the following,
"Horticulture, Fruit growing, Seed growing, Dairy farming, Livestock breeding and keeping and the use of land as Grazing land, Meadow land, Market gardens and Nursery grounds."
The land has an authorised agricultural use and there is no evidence this has changed. Any market garden use would comply with the agricultural definition.

The barn is the only structure on the site and during recent site visits was being used for storing hay/straw in the mezzanine, agricultural machinery, timber and other ancillary items on the ground floor. Timber being stored is to be used for fencing purposes. There are welfare facilities in the mezzanine however this is common in remote buildings used for rural businesses.

In response to some of the objections the planning agent has provided some further information which details how the land has not been ploughed or overgrazed and that the applicant is trying to protect the valued meadowland. The applicant is aiming to implement

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an environmentally friendly plan and is seeking to protect the important environmental interest and visual impact.

The Enforcement Officer has attended the site numerous times and throughout both the Enforcement investigation and planning officer visits there has not been any evidence of any residential or other uses. There are no white goods in the barn or associated residential items.

Although alterations have taken place to the barn since the original approval the footprint of the barn has not been increased and it is sited in the same location. Having assessed the site history, holding size, and existing use and proposed future use the LPA is satisfied that there is still a functional need for the barn to be on site in relation to agricultural activities associated with that holding.

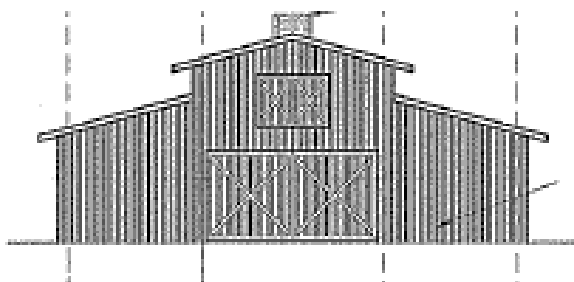
Design

Policy DM04 (Design Principles) of the NDTLP requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

The building was approved with a double eave's height of 3.6m and 5.9m and a ridge height of 7m. The footprint was approved at 30.5m by 15.6m (475m²) but has been reduced to 24.5m by 15.58m (382m²).

The original materials were proposed as dark green metal sheeting to the walls and roof however the barn has been clad in timber with a split green coloured metal roof.

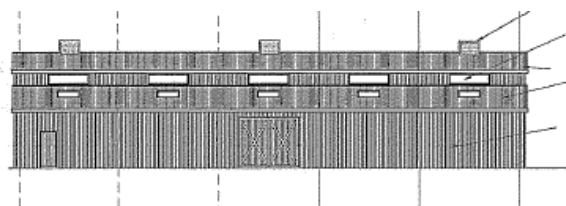
A comparison of the previously approved plans and existing plans are shown below:



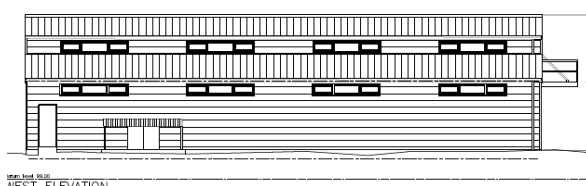
Approved North Elevation



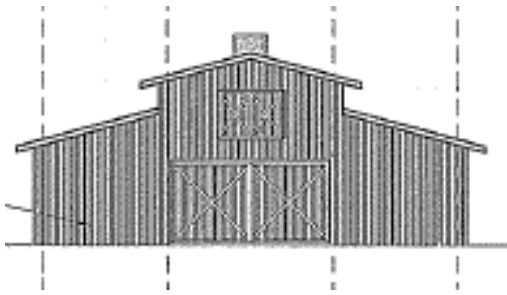
Existing North Elevation



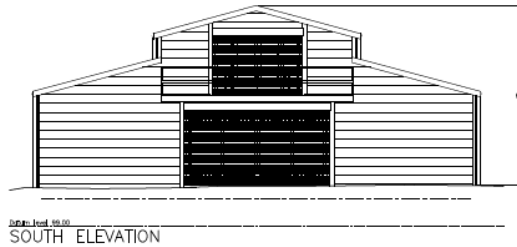
Approved West Elevation



Existing West Elevation

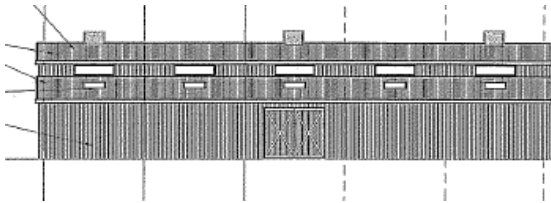


Approved South Elevation



SOUTH ELEVATION

Existing South Elevation



Approved East Elevation



Existing East Elevation

The overall scale and bulk of the building remains similar to the approved scheme. The appearance is different due to the timber cladding however this is a suitable material for a rural/agricultural building and is commonly approved for similar buildings throughout the district. The roof is dark in colour and again is of an appropriate material.

The additional changes such as the roller shutter doors on the north and south elevations and upper stainless steel balcony are not so typical of rural buildings but they are dark in colour and do generally correlate to approved openings. The windows along the west and east elevation are additional and more domestic in appearance due to the glazing and fenestration however they again are dark in colour and do provide light into the building which is required. They are not dissimilar in size and position to the approved scheme. The LPA do not consider it expedient to make the applicant change these features given that they do not result in any significant harm to the rural character and appearance of the building.

Landscape impact:

Policy DM08A (Landscape and Seascape Character) states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes. The site is not within any designated landscapes and is within the Secluded Valleys Landscape Character Area.

Special qualities of this area include some of the following:

- Steep-sided, incised valleys with fast-flowing streams and rivers. Dominated by pasture grazed by sheep and cattle, with patches of rough grazing land on upper slopes and rushy meadows fringing watercourses.
- Mixture of field sizes and shapes - often smaller, irregular medieval enclosures on lower slopes, with upper slopes merging into larger post-medieval and modern fields, often retaining earlier curving boundaries.

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- Species-rich Devon hedges on wildflower-rich banks, with bank-side ferns and frequent hedgerow trees associated with lower valley locations.
- Dense tree cover cloaking valley sides
- Strong local vernacular of exposed local stone and slate, along with cream, whitewashed and yellow buildings, some with thatched roofs. Derelict corrugated iron lincays frequently feature in valleys within Torridge district.
- High levels of peace and tranquillity frequently defined by sounds of fast-flowing water, although locally impacted by main roads in some valleys.

The site is at the bottom of a steep sided valley which has dense wooded cover along the valley sides. The meadow is a flat, level field with hedges and trees along the field boundaries. This is shown in the photos below:



Barn is sited behind tree line, view from Track and access



View to the east



View towards the PROW



View towards the PROW and north boundary

Because of the topography there are some long distance views such as from Chawleigh Hill however the barn is sited adjacent to the tree/hedge line and due to the materials and colours does assimilate into the landscape. It does not appear significantly different than other rural buildings that are spread throughout the district. The site is in the bottom of the

valley means that it does not interrupt long distance views and is not prominent along any ridgelines or hill tops such as other buildings nearby. The LPA does not consider there to be any significant impact on the special qualities of the landscape or character of the wider area from the siting of the building.

Amenity

Policy DM01 (Amenity Considerations) of the NDTLP states development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses; and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

The use of the barn has not altered and it has been in situ since 2019. There is a good separation distance from any neighbours of over 200m. The area is characterised by agricultural land, sporadic farmsteads and dwellings and the agricultural use of this site and barn would not result in any significant impact on the amenity of any nearby neighbour.

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 (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations 2019).

Paragraph 186 of the framework and policy DM08 of the NDTLP state that adverse impact on protected species should be avoided where possible and sufficient mitigation used.

This application does not trigger the need for a wildlife report or ecological survey. There is no further hard surfacing or ground works proposed and the internal space being brightly lit and open does not provide a suitable habitat for bats or birds. In order to provide some ecological gains bat and bird boxes can be provided on the external elevations. It is also noted that with the proposed market garden uses and diversification that additional planting would also provide some biodiversity gains.

Flood Risk and Drainage

The site is within flood zones 2 and 3 with the Little Dart River running adjacent to the southern boundary of the site. Objections have been received about the barn being siting within a flood plain. The authorised use of the site is agricultural and there has not been any change of use occur. Therefore there is no increase of any vulnerable use in the flood plain. The barn remains as an agricultural building and the land remains as an agricultural holding. All of these activities can take place within the flood zone without any consent from the Environment Agency. The applicant has removed all of the earth bunds that had been created and the land has been returned back to its original state. The LPA is satisfied that there is no increased flood risk from this development.

Highways

Policy DM05 (Highways) of the NDTLP states all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users.

Policy DM06 (Parking Provision) of the NDTLP requires development proposals to provide an appropriate scale and range of parking provision to meet anticipated needs.

The site is accessed from a private gateway and access track both of which have permission (references 62960 and 73157). Since there has been no change of use there are no increased movements to and from the site. The access and track are adequate to serve the building and holding.

Other Matters

Track and other works: It is noted that comments have been received regarding the materials used for the track and the source of these. This has been passed to Environmental Health to investigate.

PROW: Objections have been raised over concerns over the Public Right of Way however an amended location plan has been received to remove this. There are no alterations or changes proposed to the PROW.

Conclusion

The proposed barn and alterations that have taken place are considered to be acceptable due to the siting, colours and materials. There is no evidence of any change of use and a condition will be used to ensure this is kept as an agricultural building. The LPA is satisfied that there is a functional need for the barn to be used for agriculture in association with the holding. The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of 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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
NDC001A Location Plan received on the 16/05/24
8548 A03A North & West Elevation Existing received on the 04/03/24
8548 A04A South & East Elevation Existing received on the 04/03/24
8548 A01A Ground Floor Plan Existing received on the 04/03/24
8548 A02A Mezzanine Floor Plan Existing received on the 04/03/24
(‘the approved plans’).

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

2. The barn hereby approved shall be used solely for the purposes of Agriculture as defined in the The Agricultural Holdings Act 1986 in association with activities carried out on that holding and for no other purpose.

Reason: To ensure the use of the barn remains available for the agricultural activities taking place on the land which form the justification for its siting and scale and in order to protect the character of the wider area. The barn is in a countryside location where other uses such as residential, commercial, economic may not be appropriate without proper assessment. In accordance with policies ST07, DM08a and DM14 of the North Devon and Torridge Local Plan.

3. Following 3 months from the date of this decision a bird box shall be installed on the north or east elevation and a bat nesting box shall be installed on a west or south-west elevation in a position where it will not be in full/direct sunlight all afternoon, to avoid overheating. Any box installed shall be maintained and retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.

Informatives

1. The Public Rights of Way Team has no objection to the proposal, but the applicant should be aware that public Bridleway 22 Chulmleigh crosses the application site. Should planning permission be granted the applicant must ensure that the path is kept open and available for the public to use during site preparation and construction

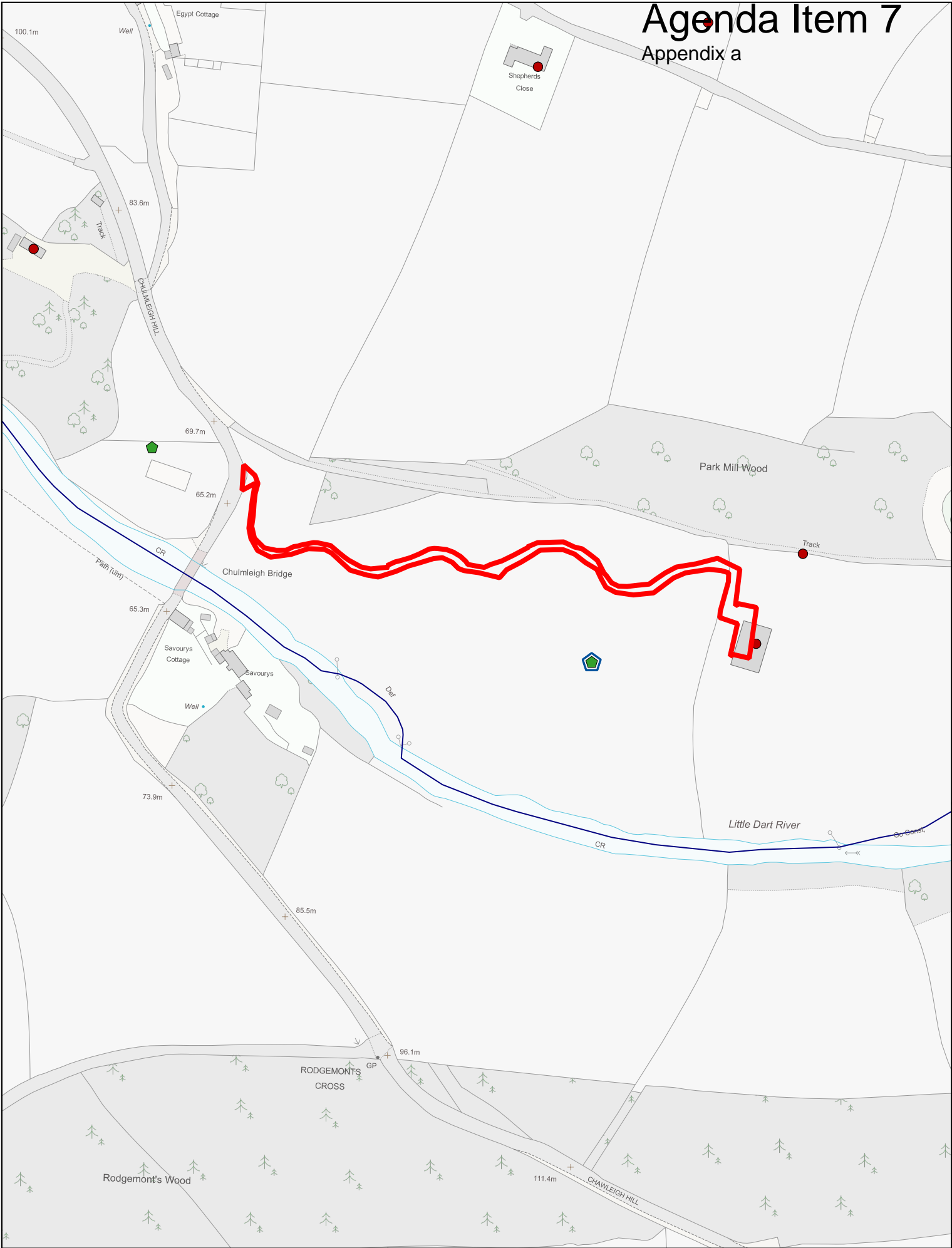
If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order – see below – but please note that a temporary closure will not be granted to enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.

2. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included consideration of the functional need, use, scale, materials and impact on the wider area.

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Appendix a



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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	78425
Application Type:	Full Application
Application Expiry:	13 May 2024
Extension of Time Expiry:	
Publicity Expiry:	24 April 2024
Parish/Ward:	ILFRACOMBE/ILFRACOMBE EAST
Location:	Larkstone Cafe Larkstone Leisure Park Larkstone Gardens Ilfracombe EX34 9QG
Proposal:	Part retrospective change of use of former tennis courts to pitches for motor homes and a public car park with WC block. Resurfacing of existing track to provide access to private parking / motor homes area and delivery area. Widening / improvement to existing site entrance
Agent:	Victoria Needham
Applicant:	Mr G Rich
Planning Case Officer:	Mr J. Jackson
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – North Devon Council own part of site

Site Description

The application relates to a parcel of land associated with an existing café known as Larkstone café, located on the north eastern edge of Ilfracombe.

The main body of the site is a level, rectangular shaped hard surfaced area which currently accommodates two small sheds; one at the eastern site boundary and the other at the southern site boundary. Substantial vegetation runs along the northern boundary and separates this part of the site from the 'pitch and putt' golf course to the north. At the eastern boundary a low bank separates the site from the terraced lawns that are used in association with the café. The lawns accommodate a play area, pedal go-kart track and outdoor seating. The bank continues around to form the southern site boundary and separates the site from additional land within the applicant's ownership, beyond which is a public footpath that provides access to Ilfracombe Swimming Pool to the east. Further to the south is located a Grade II listed dwelling known as Hillsborough Cottage and associated summerhouse, a grassed paddock which is also within the applicant's ownership and the existing residential dwellings located on Larkstone Gardens.

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Also within the red line boundary is an access track that leads from the north eastern corner of the main body of the site and slopes gently upwards toward an area to the rear of the café that is used for staff parking and deliveries.

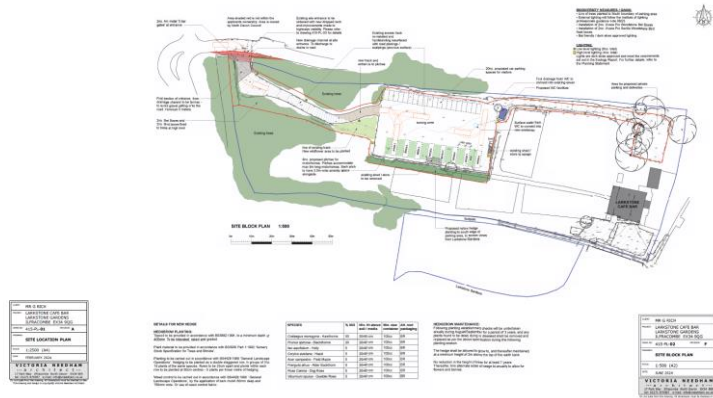
A second access track leads from the western edge of the main body of the site that slopes more steeply downwards before turning to the right to join the public highway via an existing vehicular access, broadly opposite the Ilfracombe sewerage treatment works. The Larkstone Lane public car park is located above the treatment works.

Larkstone Lane runs along the western site boundary, beneath which Larkstone Stream is culverted. The Ilfracombe Conservation Area is located to the western side of the lane.

The site is located within a National Landscape (formerly known as the AONB), the Coast and Estuary Zone, and the Ilfracombe Tourist Area. A small part of the site is located within Flood Zones 2 and 3, as well the Critical Drainage Area. The site lies outside of the Ilfracombe development boundary, but adjoins it at the site's north western corner.



Site Location Plan



Proposed Site Plan



Photograph looking east across the site



Photograph looking west across the site

Recommendation

Approved

Legal Agreement Required: No

Planning History

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Reference Number	Proposal	Decision	Decision Date
24209	PROPOSED ERECTION OF FOODSTORE INCLUDING CAFE & AUTOMATIC TELLING MACHINES TOGETHER WITH FORMATION OF CAR PARK AND ASSOCIATED LANDSCAPING PLUS REVISED ACCESS SCHEME INCOPORATING TRAFFIC LIGHTS AT THE JUNCTION OF LARKSTONE LANE AND HILLSBOROUGH ROAD (AMENDED PLANS AND DESCRIPTION) at LARKSTONE LANE, LAND OFF & AT THE JUNCTION WITH HILLSBOROUGH ROAD, ILFRACOMBE, EX34 9QG	FULL PLANNING REFUSAL	5 March 1998
16890	PROPOSED FORMATION OF NEW SEWAGE TREATMENT WORKS & NEW PUBLIC CAR PARK. at LAND TO THE EAST OF, LARKSTONE LANE, ILFRACOMBE, EX34 9QG	DCC APPROVAL	18 April 2000
28840	RETROSPECTIVE APPLICATION IN RESPECT OF CONVERSION OF DWELLING & TEAROOMS TO FORM DWELLING at LARKSTONE TEAROOMS, LARKSTONE GARDENS, , , ILFRACOMBE, EX349QG	FULL PLANNING APPROVAL	12 June 2000
54682	CREATION OF NEW GATE ENTRANCE (TO GAIN ACCESS TO TREAT JAPANESE KNOTWOOD) at LARKSTONE TEA GARDENS, , , ILFRACOMBE, DEVON, EX34 9QG	FULL PLANNING APPROVAL	16 November 2012
60602	RETROSPECTIVE APPLICATION FOR ERECTION OF COVERED TERRACE at LARKSTONE CAFE AND PLEASURE GARDENS, LARKSTONE GARDENS, , , ILFRACOMBE, DEVON, EX34 9QG	FULL PLANNING APPROVAL	14 November 2016
62808	APPROVAL OF DETAILS IN RESPECT OF DISCHARGE OF CONDITION 2 (ROOF MATERIALS) ATTACHED TO PLANNING PERMISSION 60602 at LARKSTONE CAFE & PLEASURE GARDENS, LARKSTONE GARDENS, , , ILFRACOMBE, DEVON, EX34 9QG	DISCHARGE OF CONDITION APPROVE	9 May 2017
72810	Conversion of soft play/storage to 1 unit of holiday accommodation at Larkstone Cafe Larkstone Leisure Park Larkstone Gardens Ilfracombe Devon EX34 9QG	Approved	8 April 2021

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adjacent to Conservation Area: 18 Ilfracombe Adopted 08/09/2009;	Within constraint
Adopted Tourist Area:Ilfracombe Harbour and Seafront Policy Ref:ILF05	Within constraint
Advert Control Area Area of Special Advert Control	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Conservation Area: 18 Ilfracombe Adopted 08/09/2009;	Within constraint
Critical Drainage Area	Within constraint
Landscape Character is: 4H Cliffs	Within constraint
Landscape Character is: 7 Main cities and towns	Within constraint
Unclassified Road	
USRN: 27500440 Road Class:R Ownership: Highway Authority	Within constraint
USRN: 27504046 Road Class:R Ownership: Highway Authority/Private	4.58
USRN: 27504165 Road Class:Q Ownership: Private	11.79
Within Adopted AONB (ST09 & ST14)	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 5KM Buffer in North Devon (Exmoor NP),consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Exmoor Heaths, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Conservation Area: ILFRACOMBE	
DM01 - Amenity Considerations DM02 - Environmental Protection DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM18 - Tourism Accommodation ILF - Ilfracombe Spatial Vision and Development Strategy	

Constraint / Local Plan Policy	Distance (Metres)
ILF05 - Harbour / Seafront Tourist Area ST01 - Principles of Sustainable Development ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST09 - Coast and Estuary Strategy ST10 - Transport Strategy ST11 - Delivering Employment and Economic Development ST13 - Sustainable Tourism ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets	

Consultees

Name	Comment
Councillor D Turton Reply Received	No comments received
Councillor J Williams Reply Received	No comments received
Councillor P Crabb Reply Received	No comments received
DCC - Development Management Highways Reply Received 22 April 2024	Development Management (Highways), on behalf of Devon County Council, in its capacity as Local Highway Authority, has carefully considered the proposed development and note the proposed visibility to the centre line of the carriageway in the easterly direction. However: <ul style="list-style-type: none"> i) the aim is to achieve 43 metres visibility in the easterly direction, at a minor road distance of 2.4 metres, to the nearside of the carriageway or, if not possible; ii) aim to achieve 43 metres visibility to an offset of 1 metre from the carriageway edge, or iii) identify the maximum achievable to the nearside of the carriageway.
DCC - Development Management Highways	Am pleased to confirm the revised site entrance plan, with visibility identified, is acceptable to the Local Highway Authority.

Name	Comment
Reply Received 4 June 2024	
Environmental Health Manager Reply Received 4 April 2024	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>1 Land Contamination</p> <p>I do not expect land contamination issues to arise in relation to the proposals. However, I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is discovered during development work:</p> <p>- Contaminated Land (Unexpected Contamination) Condition Should any suspected contamination of ground or groundwater be encountered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination existing and exposed during the development is assessed and remediated as necessary.</p> <p>2 Advisory Note: Caravan Site Licensing</p> <p>The proposed development is likely to require a caravan site licence from North Devon Council under the provisions of the Caravan Sites and Control of Development Act 1960. A licence cannot be issued until necessary planning permissions are in place. Site licences are normally issued with certain conditions relating to matters such as: emergency vehicle access; how the site is laid out; number of pitches; provision of toilet and washing facilities etc. Site operators must also comply with Fire Safety Regulations which, amongst other things, require fire risk assessments to be completed. Further advice can be obtained from North Devon Council's Licensing unit.</p> <p>3 Advisory Note - Chemical Toilet Disposal Point</p> <p>Where a chemical toilet waste disposal point is to be provided, the facility must be designed and installed in a manner that minimises risks of causing pollution to groundwater and the environment. Depending on the proposed design of the facility, approval may be required from the Environment Agency. The Camping and Caravanning Club have produced a leaflet describing chemical disposal point requirements for 'certified sites', which is available online.</p>

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Name	Comment
<p>Heritage & Conservation Officer</p> <p>Reply Received 24 April 2024</p>	<p>This proposal was the subject of a pre-application enquiry. In my response to this I stated that the site is close to the two grade II listed buildings at Hillsborough Cottage, and also close to the Ilfracombe Conservation Area and the Scheduled Ancient Monument at Hillsborough. The caf building is relatively prominent in mid to long range views. The tennis court, because it is a surface development and has reasonable tree cover around it to the west, is less prominent at the moment. It is clearly dis-used, and the proposed re-purposing as campervan pitches, being a transient use, would seem to be sensible.</p> <p>I did warn, however, that the campervans would become quite visible in the landscape when the site is full, and that this would affect the setting of the SAM and the Conservation Area. Looking at the existing landscaping, it might be more sensible to site the campervans in a group to the south and west of the site, where they can be screened by existing trees and hedges. If it is necessary to add another building, I would suggest rationalising the existing sheds and stores, which are scattered around the site, and combining these with a modest w/c building, to limit permanent development on this site. It is also worth conditioning the use to a seasonal period, so that it will be much less visible in the late autumn/winter/early spring season, when the natural green screening is at its most sparse, and presumably also when demand is at its lowest.</p>
<p>Heritage & Conservation Officer</p> <p>Reply Received 28 May 2024</p>	<p>I think that is better, actually. I don't mind the entrance being moved to the north a little, that won't be quite so visible as the row of camper vans.</p>
<p>Historic England</p> <p>Reply Received 22 April 2024</p>	<p>Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.</p> <p>We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/</p> <p>It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.</p>
<p>Ilfracombe Town Council</p> <p>Reply Received 18 April 2024</p>	<p>Discussion: After a short discussion, members had no major concerns with this application and noted that Licences will need to be obtained before this application can progress.</p> <p>Recommendation: Support.</p> <p>A recommendation to support this application was proposed by Cllr Newland, seconded by Cllr D Williams with all in favour.</p>
<p>North Devon Coast National Landscape</p>	<p>Thank you for consulting the North Devon Coast National Landscape on this site in the Areas of Outstanding Natural Beauty.</p>

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Name	Comment
Reply Received 4 April 2024	<p>We are concerned at the further urbanisation of this site in the designated AONB and in the setting of the Scheduled Monument of Hillsborough, and potential visual impact of year round, vehicle parking on this site. The impact will be from the reflective surfaces of vehicles and potential external lights on the site which may affect the dark night skies, a special quality of the AONB, and would request development conditions to minimise reflective and external lighting impacts within and beyond the site.</p> <p>We trust you will take notice of these comments in making your decision.</p>
Place, Property and Regeneration Reply Received 3 April 2024	<p>I am commenting as the Harbour Master and as such these proposed plans do not affect the Harbour operations.</p>
Sustainability Officer Reply Received 22 March 2024	<p>The submitted Ecological Constraints Report (ER) concludes that the existing site is of negligible value for protected species and no further survey effort is considered necessary. The proposed landscaping and habitat enhancements would be expected to result in a net gain in biodiversity, screen the proposed development and enhance habitat connectivity in the local area.</p>
South West Water Reply Received 12 June 2024	<p>The network is suitably sized to accommodate the proposed additional foul flows only.</p> <p>Please note the proximity of the existing 150mm combined sewer. Any building/development within 3 metres of the sewer will require approval from our Asset Protection Team.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
4	1	0.00	0.00	0.00

The following issues have been raised by the representations received.

- Adverse impact on views
- Site has recently been improved
- Lighting should safeguard character
- Positive impact on existing local business
- Biodiversity value should be protected
- Potential for noise disturbance

The issues raised have been taken into account in the determination of the application.

Considerations

Proposal Description

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The application seeks part retrospective planning permission for the change of use of former tennis courts to pitches for motor homes and a public car park with WC block. Resurfacing of existing track to provide access to private parking / motor homes area and delivery area. Widening / improvement to existing site entrance.

The submitted plans show that the proposed eight motorhomes pitches would be located along the southern site boundary. Each pitch would be 8m long and would accommodate a 3.5m wide grassed amenity area. The existing shed on the southern boundary would be removed. A native species hedgerow is proposed to the southern boundary. Four high level lights are proposed; one to each corner of the site.

The private vehicular parking spaces would be located along the northern site boundary.

The proposed WC block would be located in the north east corner of the main part of the site, and would accommodate four WCs, one of which would be for disabled access. The building would be 3.2m high and would accommodate a footprint of 5.2m x 2.7m. The external walls would be timber clad above a brick plinth, with a roof covering of slate. Foul water would be drained to the existing sewer, whilst surface water run off would discharge to a soakaway.

The existing vehicular access would be widened to 8m and part of the existing boundary wall would be removed. Visibility splays equal to 43m to the east and 28m to the west would be created. Three low level lighting bollards are proposed along the private driveway that leads to the main part of the site.

A further three low level lighting bollards are proposed along the private driveway that would provide access to the staff parking and delivery area adjacent to the café.

The site would be surfaced using porous road scalping's / planings.

A wildflower area would be planted to the west of the main part of the site and bat and bird boxes would be installed in the trees in the western part of the site.

Planning Considerations Summary

The material considerations pursuant to the application are:

- Principle of Development
- Heritage and Conservation
- Character and Appearance, Impact on National Landscape
- Local Economy
- Ecology
- Residential Amenity
- Highways
- Flood Risk and Drainage

Planning Considerations

1. Principle of Development

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan (the 'NDTLP'). The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

The site is located in the countryside, outside of any defined settlement boundary, noting however that the site borders the Ilfracombe development boundary. Policy ST07(4) of the North Devon and Torridge Local Plan 2011-2031 (herein referred to as the 'NDTLP') establishes that development within the countryside will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.

Ilfracombe is designated as a Main Centre at Policy ST06 of the NDTLP, noting however that the site is located outside the development boundary. The policy establishes that Main Centres will support appropriate levels of growth that will increase the towns' capacities to increase self-containment, to meet their own needs and those of surrounding communities where such is sought through the local vision.

Policy ILF sets out the Spatial Vision and Development Strategy for Ilfracombe to 2031. The Spatial Vision focuses on the regeneration of Ilfracombe, through population growth, provision of employment opportunities, improvements to housing stock and enhancement of the harbour and sea front. Tourism will be revitalised and opportunities for new maritime and leisure industries will be maximised. The harbour and seafront will be protected from rising sea levels. The policy aims to ensure that Ilfracombe will become a vibrant, healthy, prosperous town providing for the needs of all.

The Spatial Development Strategy focuses on the growth of high quality development supported by necessary infrastructure. The policy sets out 14 delivery mechanisms including the provision of housing (including affordable housing), employment space, social and community facilities and public art; development of the tourism industry; delivery of economic growth; mitigation of harm to bathing waters; conservation and enhancement of heritage assets; enhancement of transport infrastructure, and improvements to sea defences and water storage within the Critical Drainage Area.

As noted earlier, the site also lies within the defined Harbour / Seafront Tourist Area. Policy ILF05 sets out the local planning policy context in this regard, and offers in principle support for new leisure, tourism, commercial, maritime and recreation development subject to the

protection of heritage assets and the AONB, streetscene considerations and the delivery of pedestrian improvements in the area.

The site is also located within the Coast and Estuary Zone. Policy ST09 of the NDTLP sets out the planning policy context in this regard. Given the site's location adjoining the Ilfracombe development boundary, and the existence of the large public car park and sewerage treatment works to the immediate north of the site, and the café and swimming pool to the immediate east, it is your officers' view that the site should be considered as being part of the Developed Coast. Policy ST09(3) advises that proposals for tourism attractions, leisure developments, new tourist accommodation, associated tourism facilities and services of an appropriate scale will be supported within the Developed Coast where they enhance the quality or diversity of the local tourism offer and will not detract from the character of protected landscapes and other environmental assets.

Policy ST13 of the NDTLP clarifies that high quality tourism development that promotes a year-round industry will be supported, noting that tourism growth should be sustainable and should not damage the natural or historic assets of northern Devon.

Policy DM18 provides more detail in relation to tourism accommodation, and at part (2) states:

Outside the Sub-regional, Strategic, Main and Local Centres, the development of new and the expansion or rationalisation of existing tourism accommodation will be supported where it:

(a) is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction; or

(b) reuses or converts existing buildings; or

(c) improves facilities for or diversifies the range or improves the quality of existing tourism accommodation;

and in all cases:

(d) the scale and character of the proposal is appropriate to the size of the existing settlement or tourism attraction;

(e) the local road network can accommodate the type and scale of traffic to be generated and the safety of public highway users is maintained;

(f) is designed to respect and enhance the key characteristics of the relevant landscape character types;

(g) identified environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, the Undeveloped Coast, biodiversity and heritage designations; and

(h) protects and enhances the setting and special qualities of the Area of Outstanding Natural Beauty and provides an overall environmental enhancement when assessed throughout a year.

It is evident that tourists frequent the café to purchase food and drinks and use the associated gardens where a small children's pedal go-kart track and various items of play equipment are located. In addition, it is understood that the site was developed in the 1920s as a tennis club and tearoom, which became popular with tourists and locals alike. Given the current and historic uses at the site, your officers consider that the wider site should be considered to be an existing tourism, visitor or leisure attraction. The motorhome pitches would be located to the immediate west of the gardens on a redundant parcel of land and so would be related directly to the café. The proposed provision of eight motorhome pitches is considered by your officers to be compatible in scale with the café. Accordingly, it is concluded that the proposal accords with the requirements of Policy DM18(2)(a) of the NDTLP, and therefore benefits from in principle support for the tourism use that is proposed by the application.

In addition, whilst the site would not meet the definition of 'previously developed land' as set out in the NPPF, the proposal would bring a redundant parcel of land back into active use and it is understood that Ilfracombe is not currently well served by opportunities for overnight stays for motorhomes. Your officers therefore consider that the proposal would assist in meeting an unmet tourism need within Ilfracombe, and would diversify the local tourism offer as required within the Coast and Estuary Zone. The proposal also represents the diversification of an existing business (Larkstone Café) within the local area.

Further, the use of part of the site for car parking would provide dedicated parking provision to serve Larkstone café. It is noted that the café does not currently have a car parking area for customers.

The private parking and deliveries area to the immediate north of the café building would provide an ancillary function to support the operations of the café and would also be acceptable in principle.

Taking account of the above, your officers consider that all aspects of the proposal are consistent with the overarching planning policy context set out above and are therefore acceptable in principle.

2. Heritage and Conservation

Policies ST15 and DM07 of the NDTLP seek to protect and enhance northern Devon's historic environment.

The Heritage and Conservation Officer has been consulted and provided the following comments:

This proposal was the subject of a pre-application enquiry. In my response to this I stated that the site is close to the two grade II listed buildings at Hillsborough Cottage,

and also close to the Ilfracombe Conservation Area and the Scheduled Ancient Monument at Hillsborough. The caf building is relatively prominent in mid to long range views. The tennis court, because it is a surface development and has reasonable tree cover around it to the west, is less prominent at the moment. It is clearly dis-used, and the proposed re-purposing as campervan pitches, being a transient use, would seem to be sensible.

I did warn, however, that the campervans would become quite visible in the landscape when the site is full, and that this would affect the setting of the SAM and the Conservation Area. Looking at the existing landscaping, it might be more sensible to site the campervans in a group to the south and west of the site, where they can be screened by existing trees and hedges. If it is necessary to add another building, I would suggest rationalising the existing sheds and stores, which are scattered around the site, and combining these with a modest w/c building, to limit permanent development on this site. It is also worth conditioning the use to a seasonal period, so that it will be much less visible in the late autumn/winter/early spring season, when the natural green screening is at its most sparse, and presumably also when demand is at its lowest.

Following receipt of the above comments, the proposal has been revised to relocate the proposed motorhome pitches along the site's southern boundary and the private parking spaces along the northern boundary. The Heritage and Conservation Officer has confirmed that the revised proposal is acceptable on the basis that the motorhome pitches would be less visible than previously proposed.

Taking account of the comments of the Heritage and Conservation Officer, the revised proposals are considered to adequately protect the nearby heritage assets and accord with policies ST15 and DM07 of the NDTLP.

3. Character and Appearance, Impact on National Landscape

Policies ST04 and DM04 both have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting. In addition, Policy DM08A requires development to respect landscape character of both designated and undesignated landscapes and seascapes. Policy ST14 establishes that development must conserve the setting and special character and qualities of the AONB (now designated as a 'National Landscape') whilst fostering the social and economic well-being of the area. Lastly, Policy ST09(3) advises that proposals for tourism attractions, leisure developments, new tourist accommodation, associated tourism facilities and services of an appropriate scale will be supported within the Developed Coast where they enhance the quality or diversity of the local tourism offer and will not detract from the character of protected landscapes and other environmental assets.

The North Devon Coast National Landscape Team has provided the following comments:

We are concerned at the further urbanisation of this site in the designated AONB and in the setting of the Scheduled Monument of Hillsborough, and potential visual impact of year round, vehicle parking on this site. The impact will be from the reflective surfaces of vehicles and potential external lights on the site which may affect the dark night skies, a special quality of the AONB, and would request development conditions to minimise reflective and external lighting impacts within and beyond the site.

As noted earlier, the Council's Heritage and Conservation Officer has advised that they no longer have concerns regarding the impact of the proposals on the Scheduled Ancient Monument, further to the revisions that have been undertaken. In addition, your officers consider that the external lighting has been kept to a minimum, with four high level lights proposed to the corners of the main part of the site and six low level bollard lights. The proposed high level lighting does not allow upward light spill and is limited to 2700 kelvins, which is a warm, low intensity light that has been recommended by the applicant's Ecologist, whilst the low level bollards are suitable for use in dark sky locations. Whilst it is inevitable that there will be some reflection from the vehicles that are accommodated on the site, the proximity of the large public car park to the north east of the site, and swimming pool to the east of the site, is noted, and the site would be viewed in this context.

In addition to the above, it is noted that the pathways across the Scheduled Ancient Monument are generally flanked by dense hedgerows that prevent clear views of the site. Views of the site can occasionally be achieved, however they are from very specific viewpoints and are often only glimpses through gaps in the vegetation.

In conclusion, the proposals are considered to be broadly acceptable for the reasons discussed above. Nonetheless, the external lighting would introduce an external light source where none currently exists, which would likely result in a minor adverse impact on the character of the site. The site would however be viewed in the context of other light sources within the locality, most notably the public car park to the north and the swimming pool to the east, and accordingly your officers consider that the impact would be extremely localised. For these reasons there is some conflict with Policies DM08A and ST14 of the NDTLP, albeit the resultant harm would be minor.

4. Local Economy

Policy ST11 of the NDTLP seeks to deliver employment and economic development within the district. Supporting paragraph 5.7 notes that visitor numbers and spend have been identified as being one of the key economic drivers.

The proposal would likely deliver economic benefits to the local economy, encouraging tourists to the site who would purchase a variety of goods and services in the local area, including the café. This weighs in favour of the proposal, and is in accordance with the policy aspiration set out at Policy ST11 of the NDTLP.

5. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitat Regulations 2019). Policies ST14 and DM08 of the NDTLP require that development ensures the protection and enhancement of biodiversity.

The application is accompanied by an Ecological Constraints Report by Orbis Ecology dated 2 February 2024.

The submitted Ecological Constraints Report (ER) concludes that the existing site is of negligible value for protected species and no further survey effort is considered necessary. The proposed landscaping and habitat enhancements would be expected to result in a net gain in biodiversity, screen the proposed development and enhance habitat connectivity in the local area.

As noted earlier, a wildflower area would be created on part of the site and bat and bird boxes would be installed on trees within the western part of the site. A native species hedgerow would also be planted along the site's southern boundary. These are shown on the proposed site plan.

A condition is recommended to secure the biodiversity enhancements and to ensure that the development is carried out in accordance with the mitigation measures set out within the submitted report, including the external lighting specification discussed earlier.

Your officers consider that the proposal accords with the above-mentioned policies and legislation.

6. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses or result in harm to the future occupiers of the development from existing or allocated uses.

Representations received from local residents raise concerns in respect of the impact on their views across the site towards the coast. The impact of a proposal on views is not a material planning consideration, however the applicant has nonetheless revised the proposal to remove the previously proposed row of trees along the site's southern boundary. The application instead proposes a native species hedgerow.

One representation has been received which raises concerns regarding the potential for noise disturbance. It is noted that the Environmental Health Officer has not raised this as being of concern. Given the modest number of pitches proposed, it is your officers' view that the amenities of local residents would not be significantly harmed as a result of the proposal.

The Environmental Health Officer requests that a condition be attached to any forthcoming planning permission in relation to unexpected contamination.

It is considered that on balance the proposal accords with Policy DM01.

7. Highways

Policy ST10 of the NDTLP seeks to provide good strategic connectivity across northern Devon, meet the needs of local communities and visitors to the area, and reduce the environmental and social impacts of transport. Policy DM05 relates to safe access and egress, parking and layout, and advises that due consideration must be given to all highway users. In addition, the policy seeks to protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so. Policy DM06 seeks to deliver appropriate parking provision and encourage the use of sustainable modes of transport through design, layout and integration to the existing built form.

The Highways Authority has been consulted, and commented that revisions should be made to the proposed visibility splays. Further to the submission of a revised plan, the Highways Authority has confirmed that it now has no objection in highways terms.

Revisions to the proposal have also been made to include a linear drain across the access to prevent water being discharged onto the highway, and for the first five metres of the driveway to be hardsurfaced to prevent any loose material being dragged onto the highway.

The proposed site plan demonstrates that turning can be achieved on site to enable all vehicles to leave the site in a forward gear.

The site is well related to the Ilfracombe urban area and users of the site could access the services and facilities within the town without needing to use private motor vehicles.

It is your officers' view that the proposal accords with Policies ST10, DM05 and DM06 of the NDTLP.

8. Flood Risk and Drainage

Policy ST03 of the NDTLP seeks to mitigate the impacts of climate change and reduce flood risk. Policy DM02 aims to protect the receiving environment from unacceptable pollution in relation to pollution.

The majority of the site is located within Flood Zone 1. An extremely small part of the western end of the site is located within Flood Zone 3. In addition, small parts of the public highway to the north of the site are located within Flood Zone 3. A small part of the main body of the site is located within the Critical Drainage Area.

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The application is accompanied by a Flood Risk Assessment (FRA) by EDS dated 7 March 2024.

The FRA notes that Larkstone Stream is culverted beneath Larkstone Lane, which is approximately 3m lower than the site's western extent. Accordingly, it is considered unlikely that the site would be affected by flooding. If the public highway were to flood, the occupiers of the site would be able to leave the site to the east, across land within the applicant's ownership. Given that the proposal relates to a change of use, it is not necessary to undertake a sequential test.

The site is proposed to be surfaced using a porous material. An existing shed is to be removed from the site and a WC block of similar footprint erected. Surface water run off from the WC block would be drained to a soakaway. Accordingly, the application demonstrates drainage betterment within the Critical Drainage Area.

Foul water from the WC block would be drained to the mains sewer. South West Water has confirmed that this is acceptable. The Environmental Health Officer has recommended an advisory note regarding a chemical toilet disposal point, however this is not part of the proposal.

The application is considered to accord with the above-mentioned NDTLP policies.

9. Other Matters

The Council's Property Team has commented that the proposed access crosses land owned by North Devon Council and that permission has not been granted to access this part of the site. The Planning Committee is advised that this is a civil matter and is not a material consideration pursuant to the application under consideration.

10. Conclusion

The proposed tourism use represents the diversification of an existing business located within Ilfracombe and would encourage tourists to the area, which would likely generate an economic benefit within the area. Biodiversity net gain would also be delivered and the proposal would bring a redundant parcel of land located on the edge of the town back into active use. The limited adverse impacts associated with the proposal are considered to be extremely localised and therefore, on balance, the proposal is considered by your officers to accord with the development plan.

Approval of the application is therefore recommended subject to the imposition of planning conditions as set out below.

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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

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 following approved plans/details:
415 PL 01A Location Plan received on the 11/03/24
415 PL 02F Site Block Plan received on the 17/06/24
415 PL 03C Site Entrance Details & Highways Visibility received on the 26/04/24
415 PL 04A Proposed WC Block Floor Plans & Elevations received on the 18/03/24 ('the approved plans').

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. The motorhome pitches hereby permitted shall not be used otherwise than for the provision of short let holiday accommodation. The pitches shall not be occupied by any one person for a period exceeding 28 continuous days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.

Reason :

The site is in a location within which new permanent residential use would not be acceptable in policy terms. However, use for holiday purposes only is considered acceptable in accordance with Policies ST07 and DM18 of the North Devon and Torridge Local Plan.

4. Not more than eight motor homes shall be stationed on the site at any time.

Reason:

To safeguard the setting of the National Landscape and Scheduled Ancient Monument, in accordance with Policies ST14, ST15 and DM07 of the adopted North Devon Local Plan.

5. The development hereby approved shall be constructed in accordance with the following schedule of external finishing materials:

WC Block:

External walls: Timber cladding above brick plinth

Roof: Slate tiles

Site surfacing: Porous road planings / scalpings

Once installed, the external materials shall be retained as such thereafter.

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 of the North Devon and Torridge Local Plan.

6. 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 in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

7. The external lighting hereby permitted shall be of the following specification:

High level lighting: DW Windsor Kirium Pro S LED streetlight, 2700K

Low level lighting: DW Windsor Pharola DS dark sky LED bollard

No other external lighting shall be installed on the site without the granting of a further planning permission.

Reason:

To safeguard the character and appearance of the site and the setting of the National Landscape, in accordance with Policies ST14 and DM08A of the North Devon and Torridge Local Plan.

8. The development hereby permitted shall be carried out in accordance with the recommendations set out at Section 5 of the Ecological Constraints Report by Orbis Ecology dated 2 February 2024.

Reason:

To safeguard the biodiversity interest at the site, in accordance with Policy DM08 and ST14 of the North Devon and Torridge Local Plan.

9. Prior to the use hereby permitted being first brought into use, the bird and bat boxes indicated on the approved Site Block Plan shall be installed and retained as such thereafter.

Reason:

To deliver biodiversity enhancement, in accordance with Policy DM08 and ST14 of the North Devon and Torridge Local Plan.

10. Prior to the development hereby permitted first being brought into use, the site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the approved drawing reference 415-PL-03 Rev C, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 600mm above the adjacent ground level and the distance back from the nearer edge of the carriageway of the public highway identified as X shall be 2.4metres and the visibility distances along the nearer edge of the carriageway of the public highway identified as Y shall be 43m to the east and 28m to the west.

Reason :

To provide a safe and suitable access to the site and to provide adequate visibility from and of emerging vehicles in accordance with Policies DM05 and DM06 of the North Devon and Torridge Local Plan.

11. Prior to the development hereby permitted first being brought into use, the site access onto the public highway shall be surfaced using tarmac for a distance of not less than 5 metres back from its junction with the public highway, and shall be retained as such thereafter.

Reason:

To prevent loose material and other debris being carried onto the public highway in the interest of highway safety in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

12. Prior to the development hereby permitted first being brought into use, the drainage channel shown on the approved Site Block Plan reference 415-PL-02 Rev F shall be installed and retained as such thereafter.

Reason:

In the interests of public safety and to prevent damage to the highway in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

13. Should any unexpected contamination of soil or groundwater 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 any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

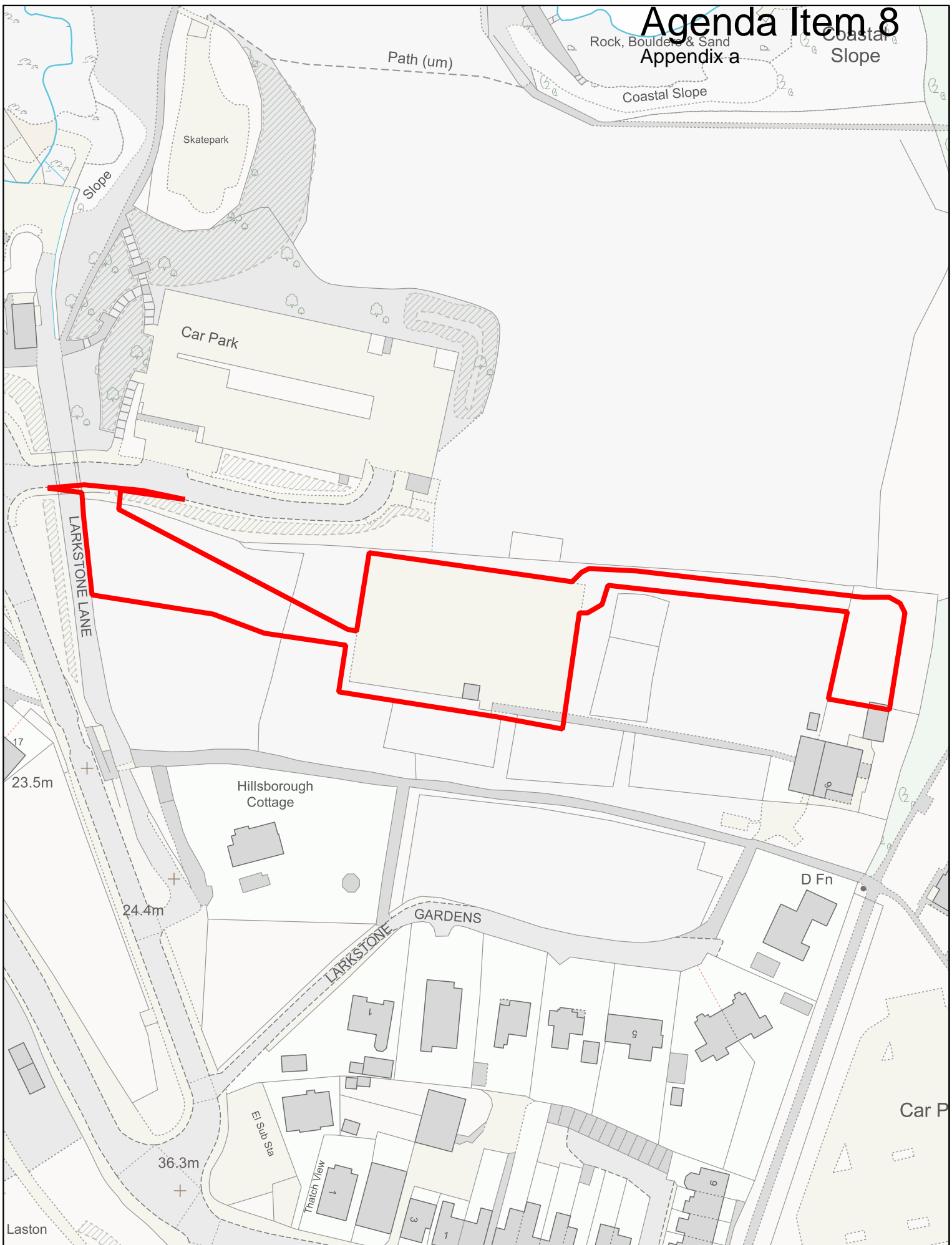
Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torrington Local Plan.

Informatives

1. **Statement of Engagement**
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included the relocation of the motorhome pitches along the southern site boundary.
2. 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>
3. The applicant should be advised to contact North Devon Council's Caravan Site Licensing team in relation to compliance with caravan and campsite licensing legislation.

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Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	78668
Application Type:	Listed Building Consent
Application Expiry:	18 June 2024
Extension of Time Expiry:	
Publicity Expiry:	13 June 2024
Parish/Ward:	BARNSTAPLE/BARNSTAPLE CENTRAL
Location:	Old Town Station North Walk Barnstaple Devon EX31 1DF
Proposal:	Installation of 5 no. hardwood, double glazed opening casement windows, in the platform area of the building
Agent:	North Devon Council
Applicant:	North Devon Council
Planning Case Officer:	Mrs B. Coles
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee Building owned by North Devon District Council

Site Description

The site is the former Barnstaple Railway Station Building dating from c.1898 and is a grade II listed building situated in the centre of Barnstaple close to the river and fronting onto Castle Street. The building is single storey and constructed of square and courses stone rubble with stone window and door surrounds. The site has a pitched roof covered with slate tiles with red ridge tiles with chimneys at each end. To the front is a 12 window range with two doorways the main of which is accessed via rounded stone steps. To the rear is a canopy on iron trusses and a modern glazed conservatory.

The site is situated within the Barnstaple Town Centre Conservation Area.

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South Elevation (river facing)



West Elevation



East Elevation



Front Elevation (north facing)

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
14344	PROPOSED CONVERSION OF EXISTING BASEMENT TO FORM STAFF ACCOMMODATION. at GANGES RESTAURANT, OLD TOWN RAILWAY	FULL PLANNING REFUSAL	24 September 1991

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Reference Number	Proposal	Decision	Decision Date
	STATION, NORTH WALK, BARNSTAPLE, DEVON, EX31 1DF		
14345	LISTED BUILDING APPLICATION PROPOSED CONVERSION OF EXISTING BASEMENT TO FORM STAFF ACCOMMODATION. at GANGES RESTAURANT, OLD TOWN RAILWAY STATION, NORTH WALK, BARNSTAPLE, DEVON, EX31 1DF	FULL PLANNING REFUSAL	24 September 1991
19399	LISTED BUILDING APPLICATION PROPOSED NON-ILLUMINATED SIGNS TO REPLACE EXISTING SIGNS. at OLD TOWN STATION, CASTLE STREET, BARNSTAPLE, EX31 1DF	FULL PLANNING APPROVAL	27 September 1994
24712	PROPOSED CONVERSION OF FORMER RESTAURANT TO FORM OFFICES at OLD TOWN STATION, CASTLE STREET, BARNSTAPLE, EX31 1DR	FULL PLANNING APPROVAL	26 January 1998
24713	LISTED BUILDING APPLICATION PROPOSED CONVERSION OF FORMER RESTAURANT TO FORM OFFICES at OLD TOWN STATION, CASTLE STREET, BARNSTAPLE, EX31 1DR	FULL PLANNING APPROVAL	26 January 1998
27245	APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 NOTIFICATION BY DEVON COUNTY COUNCIL IN RESPECT OF CONSTRUCTION OF CYCLEWAY FROM THE RIVER YEO TO COMMERCIAL ROAD INCLUDING THE PROVISION OF A CYCLE/PEDESTRIAN SWING BRIDGE ACROSS THE MOUTH OF THE RIVER YEO at RIVER YEO TO COMMERCIAL ROAD, NORTH WALK, BARNSTAPLE, EX31 1EA	INDICATE APPROVAL	16 July 1999
28895	LISTED BUILDING APPLICATION IN RESPECT OF CONVERSION OF EXISTING RESTAURANT TO FORM SUPPLEMENTARY TEACHING ACCOMMODATION & COMMUNITY CENTRE at OLD TOWN STATION, CASTLE QUAY COURT, , , BARNSTAPLE, EX31 1TS	DCC - RECOMMEND APPROVAL	8 June 2000
28896	APPLICATION UNDER REGULATION 3 OF THE T & C P GENERAL REGULATIONS 1992 NOTIFICATION BY DEVON COUNTY COUNCIL IN RESPECT OF CONVERSION OF	DCC APPROVAL	27 March 2001

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Reference Number	Proposal	Decision	Decision Date
	EXISTING RESTAURANT TO FORM SUPPLEMENTARY TEACHING ACCOMMODATION & COMMUNITY CENTRE at , OLD TOWN STATION, CASTLE STREET, , , BARNSTAPLE, EX311TS		
35353	LISTED BUILDING APPLICATION IN RESPECT OF SITING OF NON-ILLUMINATED SIGNS at PATHFIELD SPECIAL SCHOOL -TOWN STATION, NORTH WALK, BARNSTAPLE, DEVON, EX311DF	LB (EXECUTION WORKS) APPROVAL	15 September 2003
75672	Listed building consent for Internal alterations at Old Town Railway Station North Walk Barnstaple Devon EX31 1DF	Withdrawn Invalid	26 August 2022
75878	Listed Building consent for creation of 3 office spaces in existing internal space at Old Town Railway Station North Walk Barnstaple Devon EX31 1DF	Approved	3 November 2022

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Adopted Existing Strategic Footpath/Cycleway:Whiddon Drive	Within constraint
Advert Control Area Barnstaple	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Conservation Area: 5 Barnstaple-Town Centre Adopted 20/04/2010;	Within constraint
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1890	Within constraint
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1905	Within constraint
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1932	Within constraint
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1938	Within constraint

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Constraint / Local Plan Policy	Distance (Metres)
Land is potentially contaminated, site was used for:Railways, Is ranked:MEDIUM, Year:1964	Within constraint
Landscape Character is: 7 Main cities and towns	Within constraint
Listed Building Adjacent: 1488.0 EH Ref 1385099 Barnstaple Town Station including railings and gates at north end, Castle Street (south west side), Barnstaple	Within constraint
Listed Building: 1488.0 EH Ref 1385099 Barnstaple Town Station including railings and gates at north end, Castle Street (south west side), Barnstaple	Within constraint
Public Right of Way: Footpath 204FP29	0.01
Risk of flooding from: Wistlandpound, reservoir with risk level High-risk	Within constraint
USRN: 27500897 Road Class: Q Ownership: Private	6.36
USRN: 27500913 Road Class: R Ownership: Highway Authority	5.59
USRN: 27501050 Road Class: C Ownership: Highway Authority	14.74
USRN: 27504152 Road Class: G Ownership: Highway Authority	0.76
USRN: 27505364 Road Class: YFP Ownership: Highway Authority	0.01
Within adopted Development Boundary: Barnstaple North Development Boundary DM04	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within:, SSSI 500M Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within: Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
Listed Building Grade II	
Conservation Area: BARNSTAPLE. TOWN CENTRE	
DM07 – Historic Environment	
ST15 – Conserving Heritage Assets	

Consultees

Name	Comment
Barnstaple Town Council	Resolved to approve.

Agenda Item 9

Name	Comment
Reply Received	
Councillor S Jusef	No comments received.
Reply Received	
Heritage & Conservation Officer	I do not consider that this proposal will cause harm to the significance of the heritage asset.
Reply Received 30 May 2024	
Sustainability Officer	No comments received.
Reply Received 5 June 2024	

Neighbours / Interested Parties

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

No neighbour representations have been received and no comments following the display of the site notice.

Considerations

Proposal Description

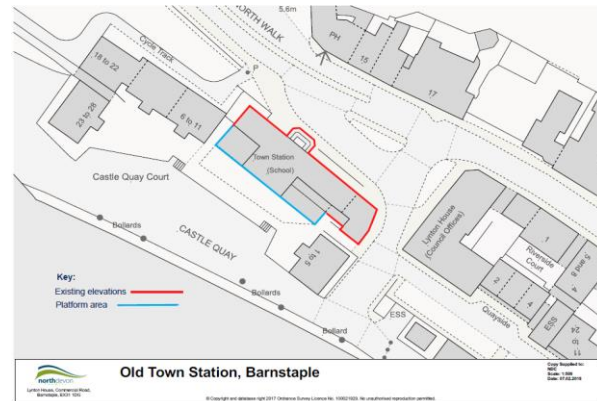
This application seeks listed building consent for the replacement of 5 no. timber windows within a modern glazed structure to the south of the Grade II listed Old Town Station building. The glazed structure covers the former platform and provides additional internal space.

The proposed opening casement windows will allow for passive ventilation of the glazed structure to enable this part of the building to be in use all year round given its south facing aspect.

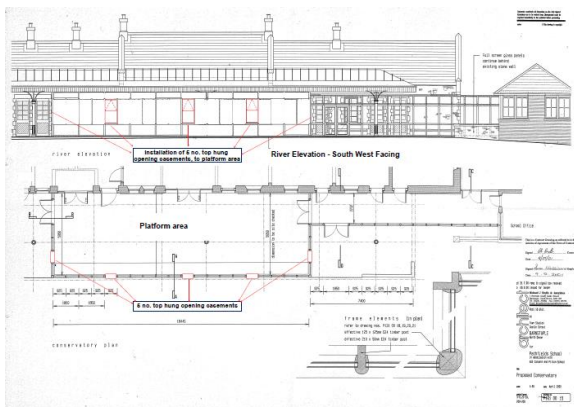
The windows will be constructed from hardwood timber and the existing double glazed units will be removed from the frame and the new casements installed into these openings. The proposed windows will be double glazed as existing and painted in a dark green colour to match existing.



Location Plan



Block Plan



Elevations Proposed



Site Photograph

Planning Considerations Summary

- Impact on Heritage Assets
- Ecology

Planning Considerations

The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

Section 16 of the Listed Building Act, in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework (NPPF) is a material consideration.

Consideration is also given to consultee comments and on this matter comments from Barnstaple Town Council at the time of preparation of the report are not available but will be noted at Committee.

Impact on Heritage Assets

Consideration is given to Policies ST15 Conserving Heritage Assets and DM07 Historic Environment of the NDTLP both of which have as a fundamental objective that proposals will be supported which conserve and enhance heritage assets and their settings. These policies are compliant with the statutory duty under Section 16 of the Listed Building Act 1990 as detailed above which requires decision takers to have special regard to the need to ensure proposals preserve and enhance the architectural and historic features of listed buildings.

The heritage considerations of the Local Plan accords with the aims and objectives of the National Planning Policy Framework (NPPF). In particular, paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

The main planning issue is therefore whether the proposed window repair and replacement with like for like materials will achieve these aims.

It is not considered that this minor proposal will have a significant or detrimental impact upon the site, or its setting. The works comprise of the replacement of modern windows which will fit into the existing frames using hardwood timber which will be painted dark green to match existing which will not impact upon the original building or effect its character.

The Heritage and Conservation Officer has been consulted regarding the proposal, who has commented as follows:

I do not consider that this proposal will cause harm to the significance of the heritage asset.

It is therefore considered that the above proposal meets the requirements of Local Plan policies and the statutory duties referred to above by preserving the building.

Ecology

Given the minor nature of the proposed works it is not anticipated that the proposal will impact upon the existing ecology associated with the site.

Conclusion

The application is considered to accord with the adopted development plan and duties detailed above. Approval of the application is therefore recommended subject to the imposition of 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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the Consent is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby permitted shall be carried out in accordance with the following approved plans/details:

NDC001 Location Plan received on the 23/04/24

P131 00 15A Proposed Elevations received on the 15/05/24

NDC002 Joinery Details received on the 23/04/24
NDC003 Block Plan received on the 23/04/24
NDC002 Photos of SE & NW Elevations received on the 23/05/24
(‘the approved plans’).

Reason:

To ensure the works are carried out in accordance with the approved plans in the interests of the heritage asset.

Informatives

1. This decision does not give or convey any form of consent to any other works other than those specified in the submitted and approved drawings / schedule of works or the alteration or removal of any fixtures or fittings which may require separate specific listed building consent. If any other such works are intended the applicant is advised to contact the Local Planning Authority for advice before commencing these on site.
2. 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>
3. INFORMATIVE NOTE: -

The Planning [Listed Buildings and Conservation Areas] [England] [Amendment] Regulations 2003

SUMMARY OF REASONS FOR THE DECISION TO GRANT LISTED BUILDING CONSENT.

The Local Planning Authority considers that listed building consent should be granted as it does not consider that permitting the proposed works would conflict with its duty under Section 16 of The Planning [Listed Buildings and Conservation Areas] Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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Appendix a



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

Title: Old Town Station. Barnstaple. EX31 1DF

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