

# **Application Report**

**Strategic Development & Planning**  
**Place Services**  
**North Devon Council**  
**Lynton House, Commercial Road,**  
**Barnstaple, EX31 1DG**



**Application No:** 73185  
**Application Type:** NDC Reg 3  
**Parish/Ward:** ILFRACOMBE/ILFRACOMBE EAST  
**Location:** Former Public Conveniences  
Larkstone Lane  
Ilfracombe  
Devon

**Proposal:** Application under Regulation 3 of the T & C P General Regulations 1992 notification by North Devon Council in respect of erection of canoe club storage building & external landscaping works associated with Ilfracombe Water Sports Centre

**Agent:** George Oliver  
**Applicant:** Helen Bond  
**Planning Case Officer:** Mr S. Emery  
**Application Expiry:** 13 August 2021  
**Ext Of Time Expiry:**  
**Publicity Expiry:** 29 July 2021  
**Departure:** N  
**EIA Development:** N  
**EIA Conclusion:** No significant effects on the AONB identified and as such the proposal is not considered to be EIA development.

**Decision Level/Reason for Report to Committee:** NDC is the applicant

## **Site Description**

The application site is located in Larkstone Cove which is to the south east side of Ilfracombe Harbour, adjoining Larkstone Beach. Larkstone Cove is clearly visible from the pier across the water but is set further back into the site with existing tree coverage partially screening the building.

## **Recommendation**

**APPROVED**

Legal Agreement Required: No

## Planning History

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
16279	Application under Regulation 3 of the T & C P Gen Regs 1992 in respect of proposed conversion of part of existing kiosk to form disabled persons toilet together with alterations to existing toilets at Public Toilets, Larkstone Lane, Ilfracombe, EX34 9QG	Full Planning Approval	24 November 1992
43724	Change of use from toilets to canoe / kayak / small boat store at Public Conveniences, Larkstone, Ilfracombe, EX34 9QG	Full Planning Approval	26 March 2007
55387	Creation of boat storage area at land adjacent to the Youth Canoeing Club, Larkstone, Ilfracombe, Devon	Full Planning Approval	24 May 2013
57487	Application Under Regulation 3 of the T & C P General Regulations 1992 for erection of multipurpose watersports centre with boat & equipment storage facilities, showers, changing rooms, teaching space & cafe (amended plans & additional information) at Larkstone Cove, Ilfracombe, Devon, EX34 9QG	Full Planning Approval	9 February 2015
63082	Erection Of One Storage Building At Ilfracombe Canoe Club, Larkstone Cove, Ilfracombe, Devon, EX34 9NU	Full Planning Approval	21 September 2017
64472	Application Under Regulation 3 of the T & C P General Regulations 1992 Notification by North Devon Council for erection of new multipurpose watersports centre with boat & equipment storage facilities, showers, changing rooms, teaching space & café & purpose built slipway (resubmission of 57487 with amended slipway design) at Ilfracombe Watersports Centre, Larkstone Lane, Ilfracombe, Devon, EX34 9FQ	Full Planning Approval	11 April 2018
66290	Variation Of Condition 2 (Approved Plans) attached to Planning Permission 63082 (erection of one storage building) at Ilfracombe Youth Canoe Club, Larkstone Lane, Ilfracombe, Devon, EX34 9NU	Full Planning Approval	29 April 2019
66320	Approval of details in respect of discharge of condition 4 (archaeology)	Approved	21 October 2020



**Constraint / Local Plan Policy****Distance (Metres)**

DM01 - Amenity Considerations  
 DM04 - Design Principles  
 DM05 - Highways  
 DM06 - Parking Provision  
 DM07 - Historic Environment  
 DM08 - Biodiversity and Geodiversity  
 DM08A - Landscape and Seascape Character  
 ILF - Ilfracombe Spatial Vision and Development Strategy  
 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  
 ST09 - Coast and Estuary Strategy  
 ST14 - Enhancing Environmental Assets  
 ST15 - Conserving Heritage Assets

**Consultees**

<b>Name</b>	<b>Comment</b>
Councillor D Turton	No comments received.
Councillor J Campbell	No comments received.
Councillor P Crabb	No comments received.
DCC - Public Rights Of Way	No comments received.
Heritage & Conservation Officer  Reply Received 7 July 2021	7/07/2021 15:08 - I do not consider that this proposal will cause harm to the significance of the heritage asset.
Ilfracombe Harbour Master	No comments received.
Ilfracombe Town Council  Reply Received 20 July 2021	No objection.

<b>Name</b>	<b>Comment</b>
North Devon AONB Service	No comments received.
Sustainability Officer	1/07/2021 13:44 - No comment
Reply Received 1 July 2021	

### **Neighbours**

<b>Comments</b>	<b>No Objection</b>	<b>Object</b>	<b>Petition</b>	<b>No. Signatures</b>
0.00	0.00	0.00	0.00	0.00

No representations received.

### **Considerations**

#### **Proposal Description**

The application is for the erection of one storage building for Ilfracombe Canoe Club, Larkstone Cove, Ilfracombe. The proposed development is to provide improved conditions for the storage of canoes/kayaks and provide changing facilities for the Canoe Club, with this new club building to operate as part of the larger Watersports Centre to be built at Larkstone Cove, approved under planning permission 57487.

This application is a resubmission of 63082 (erection of one store building), which was granted planning permission on 21<sup>st</sup> September 2017, subject to the following conditions:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the plans submitted as part of the application numbered 997W/ P100, 997W/P101 and received on 1st June 2017 and the amended plans, drawing number 997W/P113 Rev B and received on the 23rd August 2017 ('the approved plans').

Reason:

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

(3) The ground floor of the premises shall be used for boat storage and for no other purpose(s) (including any other purpose(s) in class/classes B8 of the Schedule to the

Town and Country Planning (Use) Classes Order 1987, or any order revoking and re-enacting that Order).

Reason:

Only the proposed use is appropriate and any other use would need to be the subject of a separate application to be considered on its merits.

This approved application was not implemented within the three year period (Condition 1).

As with this previous approval, the new building is to replace the existing public conveniences. The building is to measure 11.9m in length, 6.1m in width, 4.9m in height to the eaves and 6.4m in height to the ridge of the gabled roof form. The building is to have a high roof with a mezzanine covering approximately half of the building. The mezzanine is to be accessed by an external staircase to the north elevation.

The ground floor is to accommodate boat storage, together with a toilet/shower, a store, and a drying room. The mezzanine is to accommodate a rest area, three shower/change cubicles, and two WCs.

The external materials of construction are detailed on the submitted plans.

The proposed amendments to the previously approved scheme include:

- East elevation – one roller shutter has been removed (one remaining), and movement of casement window.
- South elevation – no change
- West elevation - change of siting of door
- North elevation – change in direction of external stairs

Other changes include the detail of the connectivity with the adjoining sports centre. This includes:

- External access steps between cafe level and canoe club building
- External access steps between cafe and slipway levels
- Revised ramp with retaining structure and intermediate landing (vehicle access)

The applicant has justified the changes as follows:

*The external works proposal has been revised in consultation with Sports England and accessibility consultants in order to best address the steeply sloping site. A new access ramp incorporates a level landing, with gabion walls proposed to retain the edge of the existing bank, allowing a more gradual incline to the ramp itself.*

*External steps are included for access between all site levels and integrate with the previously consented timber clad external platform lift. The lift ties into the aesthetic of the new buildings through its timber cladding, and allows wheelchair access between the water sports centre café level and the slipway level below.*

The application site is located in Larkstone Cove which is to the south east side of Ilfracombe Harbour, adjoining Larkstone Beach. Larkstone Cove is clearly visible from the pier across the water but is set further back into the site with existing tree coverage partially screening the building. The site of the new building would be set back against the steeply sloping ground to the west of the site. This area is separated from the Council car park to the west by a grass bank and access to the site is by way of a tarmac path from the south. There is an existing historic limekiln to the north of the site which is to be unaffected by the development. The site is located within a protected landscape, being within the Conservation Area, Area of Outstanding Natural Beauty, and Coastal Preservation Area. The site is also within flood zones 2 and 3.

### **Planning Considerations Summary**

- Principle of development
- Design and Heritage
- 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 Torridge Local Plan. The relevant Policies are detailed above.

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.

### **Principle of development**

The site is located within the development boundary of Ilfracombe wherein the principle of development is acceptable.

Policy ILF of the Local Plan states that the spatial vision is that: 'tourism will be revitalised over an extended season with the town prospering as a maritime gateway for northern Devon and beyond. Opportunities for new maritime and leisure industries will be maximised, whilst safeguarding the harbour and seafront from rising sea levels and facilitating its continued operation as a port'.

Policy ILF05 of the Local Plan (Harbour / Seafront Tourist Area) states that proposals for new leisure, tourism, commercial, maritime and recreation development will be supported in the Harbour and Seafront Tourism Area, as shown on Policies Map 7, where they: (a) conserve and enhance the area's built heritage, street scene and the special character and appearance of the Conservation Area; (b) retain and enhance the

open character and landscape quality of the Seafront Area and the Area of Outstanding Natural Beauty; and (c) do not prejudice the achievement of pedestrian priority in the area.

Policy ST22 of the Local Plan (Community Services and Facilities) states that 'development of new, or extensions or improvements to existing community facilities that meet the needs of local communities will be supported within or adjoining defined settlements and Rural Settlements where: (a) it does not harm the character of the area and the amenities of the surrounding uses; (b) it is well related to public transport infrastructure, where possible, and is accessible by walking or cycling; and (c) it can be accessed without generating unacceptable levels of traffic on the local road network and / or reducing highway safety'.

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

### **Design, AONB 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.

In addition, with regard to the setting of the AONB, Policy DM08A emphasises that great weight will be given to conserving the landscape and scenic beauty of the North Devon Coast Area of Outstanding Natural Beauty and ensure that the landscape character and natural beauty are conserved and enhanced. In addition, Policy ST14 states that the quality of northern Devon's natural environment will be protected and enhanced by ensuring that development contributes to conserving the setting and special character and qualities of the North Devon Coast Areas of Outstanding Natural Beauty whilst fostering the social and economic well-being of the area.

Policy ST15 (Conserving Heritage Assets) states that great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:

- (a) conserving the historic dimension of the landscape;
- (b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated;



- (c) identifying and protecting locally important buildings that contribute to the area's local character and identity; and
- (d) increasing opportunities for access, education and appreciation of all aspects of northern Devon's historic environment, for all sections of the community.

Policy DM07 (Historic Environment) of the Local Plan states that all proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing, then minimising and mitigating any harm. In addition policy DM07 ensures that proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.

The heritage considerations of the Local Plan accords with the aims and objectives of the National Planning Policy Framework (NPPF). In particular, Paragraph 189 states that *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*. Also, paragraph 193 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 storage building proposed would replace the former toilet building which has been used of late by the Canoe Club to store their equipment, occupying the existing footprint. The site is set back against the steeply sloping ground to the west of the site and the new building would be read in the context of the new Watersports Centre to be constructed.

The building has been designed so as to be functional for the use to be undertaken. The watersports centre is intended to be an attractive contemporary addition to Ilfracombe's harbour area and it is considered that this storage building proposed would not detract from this. The proposed changes to the design of the building and its connectivity with the Watersports Centre are also acceptable. They will improve the function of the centre and its accessibility to all.

The proposed materials of horizontal timber boarding would weather in time with existing trees providing a natural screen to certain viewpoints of the development.

Therefore, the external materials of construction as detailed on the submitted plans are acceptable and therefore it is reasonable that any grant of planning permission is subject to a condition that ensures such.

On this basis, the development is continues to be of an acceptable size, scale, siting and design. It will not harm the protected landscape and will protect the contribution that the site makes to the conservation area as a heritage asset. The development thereby accords with the design and heritage considerations of the Local Plan.

### **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.

Given the secluded location of the site, and the use of the land, this proposal will not cause harm to neighbour amenity.

### **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.

The Officer's report for the previous grant of approval read as follows: 'Natural England has previously confirmed that this site is not in close proximity to any Internationally or Nationally designated sites and therefore advised that designated sites did not represent a constraint in determining the development at this location. The existing building is in regular use with no evidence of any protected species with no openings evident within the existing envelope of the building. In addition to this, as part of the planning process for the Watersports Centre, a survey of intertidal habitats was carried out with the result being the submitted survey indicating that no priority habitat will be lost as a result of the new slipway'. There continues to be no ecological objection to this proposal.

Given the information received, it is unlikely that the development would result in harm to protected species and their habitat. However, it is reasonable that any grant of planning permission be subject to a condition that states that prior to the approved development 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 170 of the National Planning Policy Framework.

### **Flood Risk and Drainage**

The site is located within Flood Zone 3. The matter of flood risk was considered within the previous application, where the Officer noted the following:

'Whilst South West Water do not object to the proposal, they have commented that the existing 375PC pipe leading to the outfall has been capped that it would possible to remove it, and this approach would most probably be preferred by SWW. Regarding the new building being within the easement of the existing 450mm sewer, this should not be a problem but there would be the need to apply for a build close to agreement through their asset protection team and they will be able to verify if this is ok.

With respect to Flood Risk and the sequential test, this development would appear to be a mix of a water compatible development. As part of the entire Watersports Centre plans, a flood risk assessment was provided which the Environment Agency reviewed and recommended a condition relating to flood defence and other mitigation measures. These were conditioned as part of the planning permission and will be adhered to.

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

The above matters and considerations are still relevant and there are no material changes that would result in the determination departing from this judgement. It is therefore recommended that the development will continue to not result in risk of flooding, in accordance with policy ST03 of the Local Plan, and section 14 of the NPPF.

### **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.

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

### **Conclusion**

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

### **HUMAN RIGHTS ACT 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

### **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:

997W P100B Location Plan received on the 31/03/21

997W P102B Site Plan received on the 31/03/21

997W P103B External Works Plan received on the 31/03/21

997W P113F Block-Floor-Elevation received on the 31/03/21  
(‘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 proposed development shall be constructed in accordance with the schedule of materials as detailed on the approved plans.

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.

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

Reason

Only the proposed use is appropriate and any other use would need to be the subject of a separate application to be considered on its merits.

5. Prior to the approved development being brought into use, a bat and bird box shall be sited on the building and shall be retained thereafter.

Reason:

To achieve net gains in biodiversity in compliance with Policy ST14 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

### **Informatives**

1. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.
2. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.
3. 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.

**Inserts**

- (1) Location Plan