

## **Application Report**

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

<b>Application No:</b>	76256
<b>Application Type:</b>	NDC Regulation 3
<b>Application Expiry:</b>	10 February 2023
<b>Extension of Time Expiry:</b>	
<b>Publicity Expiry:</b>	15 January 2023
<b>Parish/Ward:</b>	ILFRACOMBE/ILFRACOMBE EAST
<b>Location:</b>	Larkstone Watersports Hub Larkstone Lane Ilfracombe Devon EX34 9QG
<b>Proposal:</b>	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for positioning of temporary structures and associated parking for use in conjunction with adjacent watersports centre
<b>Agent:</b>	Mrs Helen Bond
<b>Applicant:</b>	Mrs Helen Bond
<b>Planning Case Officer:</b>	Mr M. Brown
<b>Departure:</b>	N
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	NO EIA REQUIRED.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee – North Devon Council owned land

### **Site Description**

This site is within the Ilfracombe Conservation Area and lies to the south of the newly constructed Watersports Centre. It is directly to the east of the gardens associated with St James' Park, and to the west of the open area including Hillsborough to the far north-east. The hillside slopes down from south to north, with Larkstone Cove and the surrounding cliffs running down to the sea. The whole area has a positive value as a mainly green and undeveloped space, allowing the transition between the formal areas and the more naturalistic and highly valued landscape. The site is used as a car park at present. Further south above the site is Larkstone Terrace.



The site viewed from the north west



The site viewed from the south east



View from the north west



High level view from the north west



View from the pier



View from the Harbour area

### **Recommendation**

**APPROVED**

Legal Agreement Required: No

### **Planning History**

Reference Number	Proposal	Decision	Decision Date
28255	Erection of tourist information kiosk & public shelter at, Land off Cove Road, Larkstone, Ilfracombe, EX34 9NU	Full Planning Approval	13 January 2000

## Constraints/Planning Policy

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Adopted Existing Strategic Footpath/Cycleway: Other Footpath/Cycle Routes	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
Landscape Character is: 7 Main Cities and Towns	Within constraint
Public Right of Way: Footpath 234FP112	Within constraint
USRN: 27504046 Road Class:R Ownership: Highway Authority/Private	7.65
USRN: 27504114 Road Class:F Ownership: Private	4.51
USRN: 27504165 Road Class:Q Ownership: Private	Within constraint
USRN: 27505827 Road Class:YFP Ownership: Highway Authority	Within constraint
USRN: 27505828 Road Class:YFP Ownership: Highway Authority	9.64
USRN: 27505829 Road Class:YFP Ownership: Highway Authority	11.55
Within Adopted AONB (ST09 & ST14)	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within adopted Development Boundary: Ilfracombe Development Boundary ST06	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Ilfracombe Harbour Consultation Area	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 DM12 - Employment Development at Towns, Local Centres and Villages DM17 - Tourism and Leisure Attractions ILF - Ilfracombe Spatial Vision and Development Strategy ILF05 - Harbour / Seafront Tourist Area	

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
ST01 - Principles of Sustainable Development ST04 - Improving the Quality of Development ST06 - Spatial Development Strategy for Northern Devon's Strategic and Main Centres 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**

<b>Name</b>	<b>Comment</b>
Councillor D Turton	No objection received.
Councillor J Campbell	No objection received.
Councillor P Crabb	No objection received.
DCC - Public Rights Of Way	No objection received.
Environmental Health Manager  Reply Received 23 January 2023	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p>Operating Hours - Noise</p> <p>The application site is close to and overlooked by dwellings at Larkstone Terrace to the southwest. Based on the proposed operating hours described in the application form (10am to 6pm), I do not anticipate any significant noise impacts will arise.</p> <p>You may wish to consider conditioning operating hours in line with the hours specified in the application form ( say 09:30 to 18:30hrs to allow for arrivals and setting up etc.) to ensure that any future changes involving operating at more sensitive times such as early in the morning when residents might be sleeping, require LPA approval.</p>
Heritage & Conservation Officer  Reply Received 19 January 2023	<p>19/01/2023 14:26 - This site is within the Ilfracombe Conservation Area and lies to the south of the newly constructed Watersports Centre. It is directly to the east of the gardens associated with St James' Park,0 and to the west of the open area including Hillsborough to the far north-east. The hillside slopes down from south to north, with Larkstone Cove and the surrounding cliffs running down to the sea. The whole area has a positive value as a mainly green and undeveloped space, allowing the transition</p>

Name	Comment
	<p>between the formal areas and the more naturalistic and highly valued landscape, and has been protected from development so that this can be maintained. The site is used as a car park at present, which means that it is not always occupied, and the tarmaced areas do not, from a distance, affect the perception or appreciation of the green wedge, particularly when not in use. I have previously advised that it would be preferable not to have buildings on this site, in order to maintain its undeveloped appearance. I note that the proposals are for shipping containers, which could be removed, and that these would be painted green, with grass roofs, and sited towards the north-west of the site, which is where the ground slopes most steeply upwards, so would be shielded by the slope of the land to a degree. The containers would cause some degree of less than substantial harm to the significance of the heritage asset, this would need to be balanced by public benefit, under the terms of p 202 of the NPPF, and I suspect that a balance could be reached.</p> <p>This is less likely, however, to be the case with the proposed fencing, which at 2.4 metres tall, with a run of 30 metres across the front of the site, and presumably present around the other sides, is going to have a considerable impact on the immediate surroundings. The fence, at this height, and for this length, is going to appear forbidding, intrusive and out of character with the surroundings. I would ask:</p> <ul style="list-style-type: none"> <li>- whether fencing of this height is absolutely necessary, given that the kayaks are currently stored within a lower fenced enclosure further down the Cove?</li> <li>- can the fence panels have a more visually permeable design?</li> <li>- does the enclosure really need to be this big? can the storage be rationalised towards the rear? do vehicles need to be enclosed, or is it more trailers?</li> <li>- can the landscaping at the southern end, which is within the park, be strengthened to soften the corner?</li> <li>- a straight line of 30 metres of railings is not a solution which reflects the character of the area and is likely to be harmful. Is there another solution?</li> </ul>
Ilfracombe Harbour Master	No objection received.
<p>Ilfracombe Town Council</p> <p>Reply Received 25 January 2023</p>	<p>Discussion: After discussion, there were no major concerns, although there was some concern about loss of parking.</p> <p>Recommendation: Support.</p> <p>A recommendation to support this application was proposed by Cllr Coates, seconded by Cllr Elliott, with all in favour (with the exception of Cllr Fowler who expressed an interest and therefore did not vote).</p>
North Devon AONB Service	No objection received.

Name	Comment
Sustainability Officer	No objection received.

### **Neighbours / Interested Parties**

Comments	No Objection	Object	Petition	No. Signatures
0	5	10	0	0

Representations received which can be summarised as raising the following matters:-  
Concerns:

- Need for the facilities
- Amenity
- Design, heritage and AONB impacts
- Consultation process
- Funding
- Loss of parking
- Noise
- Ecology impacts

Support:

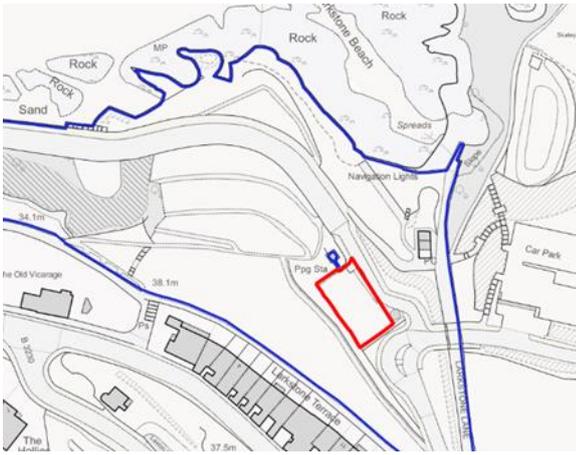
- It will benefit Ilfracombe and enhance the appeal of the area.
- It will offer opportunities to both the community and our visitors, to experience, explore and enjoy our stunning coastline.
- Will free up other areas of car park.

### **Considerations**

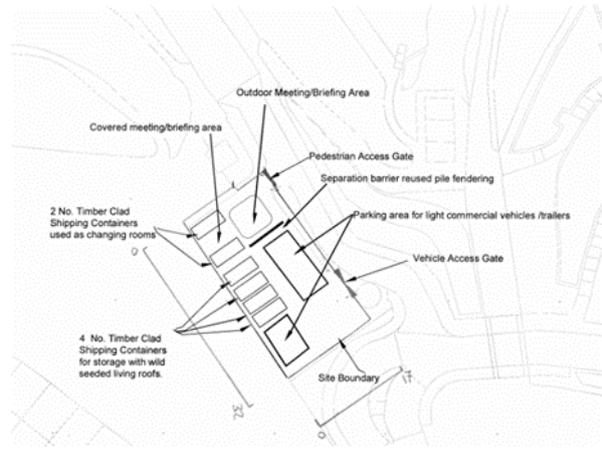
#### **Proposal Description**

This application seeks detailed temporary planning permission for a change of use of land to allow for the stationing of six timber clad shipping containers. Four of the containers are proposed to benefit from living green roofs and the other two arranged with a pitched roof between (finished in Anthracite Grey Roofing Sheets), to form a briefing area.

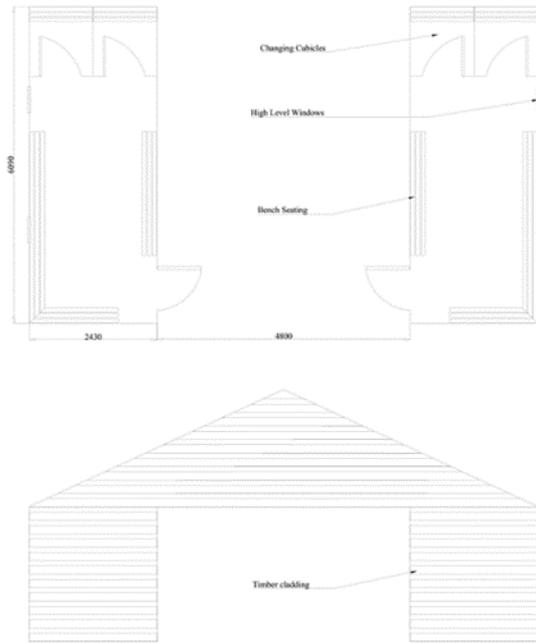
Fencing is proposed to the area to a height of 2m. Vehicle and associated trailer parking is also proposed. The area will in essence be used as a watersports briefing, changing and storage area.



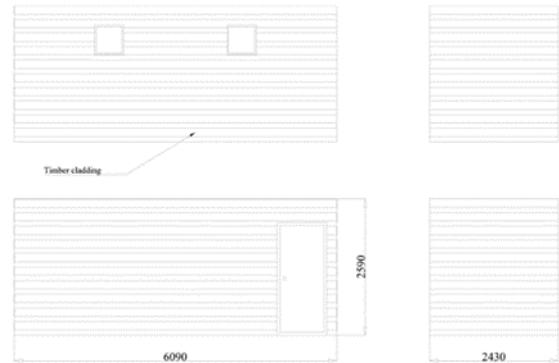
Location Plan



Block plan



Elevation/floor plan of changing/briefing area



Container elevations

*The applicant has set out the scope of the project and its relationship to the recently developed water sports hub to the north:-*

*“Construction of the Larkstone Watersports Centre commenced in April 2021 after nearly 10 years in the planning. The scheme was able to progress due to £3.2m worth of funding from the CCF, LEP and Sport England. The centre looks to provide facilities for visitors/residents to allow safe access to the water, to try out new watersports, hire equipment, receive tuition from qualified instructors, and train for sports qualifications, in activities ranging from kayaking, sailing and gig racing to sub-aqua diving and stand-up paddle-boarding. The centre will provide a base for 3 community-based watersports clubs as well as provide a physical focus for the area’s private watersports operators.*

*Whilst the Watersports Centre will provide facilities for the community clubs, the space is constrained and does not allow for the development of complementary commercial activity. To enable the Watersports Centre to operate as an open and accessible facility for all, we need to develop commercial revenue streams to subsidise the community-based access and to ensure its future upkeep.*

*The main site is constrained due to its physical location resulting in a lack of space for storage, specialist vehicle parking and large safeguarded changing areas for commercial and educational groups. Alternative locations to provide this type of commercial facility close to the purposely designed and dedicated slipway in the vicinity of main site are severely limited.*

*During the main site build the opportunity was taken to regenerate the Old Lime Kiln, which was not included within the original funding. To bring it back into use as a storage area, initially for the commercial element of the Hub, after initial exploratory works it was determined that although the Kiln is in a good state of repair the internal space itself would not be adequate for the needs of the commercial operators but would be ideal for the necessary equipment required by the Harbour staff for the sites upkeep, the season buoyage required for Safety of Navigation needs and to store the mandatory Stop Log for tidal flood defences which has now been incorporated into the Watersports main budget. Alongside its use as a storage space for the Harbour staff use, the Lime Kiln structure offers a spectacular viewing point from its roof which would be an ideal location for the use of a safe viewing platform for the commercial operators, clubs and visitors.”*

*“By taking the opportunity to do these works before the Hub opens would greatly add to the overall venue experience, safety and the aesthetics for all.*

*We have secured interest from local businesses who want to use this proposed commercial facility and slipway on a regular basis. We also have secured interest from local schools and the regional Scouts, who want to use this proposed site as a local Hub. There is no space to accommodate this need on the main site but this proposal will deliver a suitable facility with easy access to the slipway” the full text of this, along with further details, is available at Inserts 1 and 2.*

### **Planning Considerations Summary**

- Design/Heritage
- Amenity
- Ecology
- Highways
- Other Matters

### **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.

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.

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**

Policy ILF05 of the Adopted Local Plan seeks to support opportunities for water-based recreation activities within the harbour area, including the erection of a new Watersports Centre, while Policy ILF seeks to support such uses and economic development and tourism uses along with settlement policy ST06; subject to site specific Development Management criteria being addressed.

There is therefore in principle support for such an application.

### **Design/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 194 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 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’. Any impacts would be balanced by public benefit, under the terms of paragraph 202 of the NPPF.

The Conservation Officer has advised:

*“The whole area has a positive value as a mainly green and undeveloped space, allowing the transition between the formal areas and the more naturalistic and highly valued landscape, and has been protected from development so that this can be maintained. The site is used as a car park at present, which means that it is not always occupied, and the tarmaced areas do not, from a distance, affect the perception or appreciation of the green wedge, particularly when not in use.*

*I have previously advised that it would be preferable not to have buildings on this site, in order to maintain its undeveloped appearance. I note that the proposals are for shipping containers, which could be removed, and that these would be painted green, with grass roofs, and sited towards the north-west of the site, which is where the ground slopes most steeply upwards, so would be shielded by the slope of the land to a degree. The containers would cause some degree of less than substantial harm to the significance of the heritage asset, this would need to be balanced by public benefit, under the terms of p 202 of the NPPF, and I suspect that a balance could be reached.*

*This is less likely, however, to be the case with the proposed fencing, which at 2.4 metres tall, with a run of 30 metres across the front of the site, and presumably present around the other sides, is going to have a considerable impact on the immediate surroundings. The fence, at this height, and for this length, is going to appear forbidding, intrusive and out of character with the surroundings. I would ask:*

- *whether fencing of this height is absolutely necessary, given that the kayaks are currently stored within a lower fenced enclosure further down the Cove?*
- *can the fence panels have a more visually permeable design?*
- *does the enclosure really need to be this big? can the storage be rationalised towards the rear? do vehicles need to be enclosed, or is it more trailers?*
- *can the landscaping at the southern end, which is within the park, be strengthened to soften the corner?*
- *a straight line of 30 metres of railings is not a solution which reflects the character of the area and is likely to be harmful. Is there another solution?"*

The site is located within a conservation area and as such the scheme needs to be considered in this context having regard to the policy tests set out above. There are not considered to be unacceptable impacts on listed structures due to distances involved and the scale of the development.

The shipping containers are proposed to be finished externally with timber to the walls and complemented with green roofs. Whilst, the briefing area would have a pitched roof finished in Anthracite Grey Roofing Sheets. The landform will provide a backdrop to the site to the south west. Whilst to the north-west and south-east built there is landscaping and built form. The existing car park is also finished with man-made materials. Further north east and above the existing Watersports Centre there is further landscaping which ameliorates the site to an extent when viewed from the pier area.

The applicant has considered the comments of the Conservation Officer and confirmed that the compound needs to be the size proposed for operational reasons and that the fence is also required for operational reasons, see Insert 3. However they have gone on to suggest that the height of the fence can be reduced to 2m and a less heavy and dominating fencing material utilised. As such an open green wire mesh is now proposed at a height of 2m.

The applicant has also explored alternative siting for the scheme and concluded that this is the most appropriate, at this time, for a temporary period; to in essence test the demand. This is noted and not considered an unreasonable assessment.

Drawing the above to gather it is concluded that yes there will be a change in character to the area through the introduction of the scheme, however this will not be unacceptable as the development is ameliorated through the design and landform and can be ameliorated further through improved landscaping which could be secured by a planning condition if permission is granted for a temporary period. It must be remembered this change would also be temporary.

As such we are in a position whereby the benefits need to be weighed against the harm and this is considered further below.

## **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.

Concern has been raised through representation that the proposal could have a detrimental impact on nearby residential accommodation.

The Council's Environmental Health Officer has reviewed this application in relation to Environmental Protection matters and comment as follows:-

*"The application site is close to and overlooked by dwellings at Larkstone Terrace to the southwest. Based on the proposed operating hours described in the application form (10am to 6pm), I do not anticipate any significant noise impacts will arise.*

*You may wish to consider conditioning operating hours in line with the hours specified in the application form (say 09:30 to 18:30hrs to allow for arrivals and setting up etc.) to ensure that any future changes involving operating at more sensitive times such as early in the morning when residents might be sleeping, require LPA approval."*

The assessment of the Environmental Health Officer is considered to be reasonable and acceptable and the suggestion of the utilisation of a planning condition to control operating hours should be adopted if permission is granted to ensure the scheme does not significantly harm the amenity of local residents.

The proposed fencing will also ensure the site remains secure thus minimising opportunities for antisocial behaviour.

Drawing this together it is concluded that the scheme would be acceptable in terms of potential amenity impacts.

## **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 or their habitat and will result in a net gain in biodiversity especially if a landscaping scheme is secured.

## **Flood Risk and Drainage**

The site is located within Flood Zone 1; however, is located within a Critical Drainage Area.

Policy ST03 of the Local Plan states that Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by reducing existing rates of surface water runoff within Critical Drainage Areas.

The site does lie within the designated Critical Drainage Area, however there is no material change to the extent of hard surface on the site or the method of surface water disposal. Albeit there could be a slight reduction in surface water disposal given the green roof approach which is being put forward. As such no objection is raised in this regard.

## 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 proposal will result in the loss of 16 car parking spaces if planning permission is granted. The proximity of alternative public car parking is noted.

In terms of parking the applicant has set out that:

*“Over the last 18 months the area that forms this proposal has housed the works compound and site office for the main site construction and has therefore blocked vehicle access from the harbour to Marine Drive car park. The decision to house the site office/compound on Marine Drive Car Park was taken in part due to its under-use. We have seen spaces within neighbouring car parks, such as Larkstone and Hillsborough having increased use during this time. Taking the generated figures from both these car parks since the works compound was installed shows an overall increase of parking revenue of £39,540.00 when compared to previous years before work started on the Watersports Hub.*

*This is in line with the Ilfracombe Regeneration Boards work to detract parking in the main harbour and the Pier which causes issues with congestion and public safety on Quay Road. Although this proposed project will utilise the Upper Marine Drive Car Park those vehicles, as seen during the main site build, would be displaced to either Larkstone or Hillsborough Car Parks and the through road access from The Cove to both these car parks will be re-established on completion of the main site build and maintained thereafter. This project therefore supports this principle going forward.”*

Having regard to the foregoing it is concluded that whilst there would be a loss of vehicle parking this would not be severe given the proximity to other public car parks and the

aspirations set out by the applicant in terms of the harbour area. As such no objection is raised in this regard on balance.

### **Other Matters**

Given the publicity requirements for such planning applications the publicity undertaken is considered acceptable notwithstanding the concerns raised through representation.

The funding for the scheme is not a matter for consideration as part of this determination.

The operation and access to the Watersports Centre etc is a matter for the operator.

This application does not propose to alter the planning permission granted for the Watersports Centre.

### **Conclusion**

Policy ILF05 of the Adopted Local Plan seeks to support opportunities for water-based recreation activities within the harbour area, including the erection of a new Watersports Centre, while Policy ILF seeks to support economic development.

The scheme will result in temporary built form within the urban context of Ilfracombe and its conservation area and the AONB. However these impacts would be ameliorated through existing topography, landscaping and other built form. As such limited weight is attached to this concern albeit the Duty to preserve the conservation area is noted.

Significant weight is attached to the overall economic benefits to the Town and its wider hinterland through both the construction and operational phase.

Limited negative weight is attached to the loss of the car park.

In light of the foregoing it is concluded that the overall benefits of the scheme outweigh the temporary impacts on the locality. As such the application is considered to accord with the adopted development plan and Duty detailed above. 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 to which this permission relates must be begun not later than the expiration of one year 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 with the shortened time frame detailed due to the need detailed for the scheme.

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

Drg 3 Fence Elevation received on the 13/12/22 **TO BE SUPERSEDED**

Drg 2 Changing Rooms Elevations received on the 13/12/22

Drg 1 Floor - Elevation received on the 13/12/22

NDC001 Location Plan received on the 02/12/22

NDC002 Block Plan received on the 13/12/22

('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 development hereby approved, including any apparatus, buildings, fencing and ancillary structures, hereby permitted shall be removed and the land restored to its former condition and use as a car park on or before 10 February 2028.

#### Reason

To enable the Local Planning Authority to maintain control of development which is temporary in character and to safeguard the amenities of the locality in accordance with Policies ST14, DM04, DM07 and ST15 of the adopted North Devon and Torridge Local Plan.

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

Container walls - Timber

Flat roofs - 'Green' roofs

Pitched roof - Anthracite Grey Roofing Sheets

#### Reason

In the interests of the appearance of the development and locality in accordance with Policy DM04, DM07, DM08A and ST15 of the North Devon and Torridge Local Plan.

5. The use of the premises shall be restricted to the hours of 09:30 - 18:30 Mondays to Sunday inclusive only.

#### Reason

In order to minimise any detrimental impact on the amenities of occupiers of nearby properties outside reasonable working hours in accordance with Policy DM01 and DM02 of the North Devon and Torridge Local Plan.

#### 6. Provision, implementation and maintenance of detailed landscape proposals

The perimeter fence hereby approved shall not be installed until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include for soft landscape works planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities); implementation and management programme.

#### 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. No external lighting shall be installed.

#### Reason

In the interests of residential amenity and biodiversity having regard to policy DM01, DM02 and DM08 of the Adopted Local Plan

#### 8. Any canoe racking/storage apparatus shall be fitted with a roof covering and the overall height of any structure shall not exceed 2 metres in height.

#### Reason

To enable the Local Planning Authority to maintain control of development which is temporary in character and to safeguard the amenities of the locality in accordance with Policies ST14, DM04, DM07 and ST15 of the adopted North Devon and Torridge Local Plan.

### **Informatives**

1. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>
2. The above permission requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or downloaded from the Planning section of the North Devon Council website, [www.northdevon.gov.uk](http://www.northdevon.gov.uk).

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included seeking amended plans to ensure the development is acceptable.

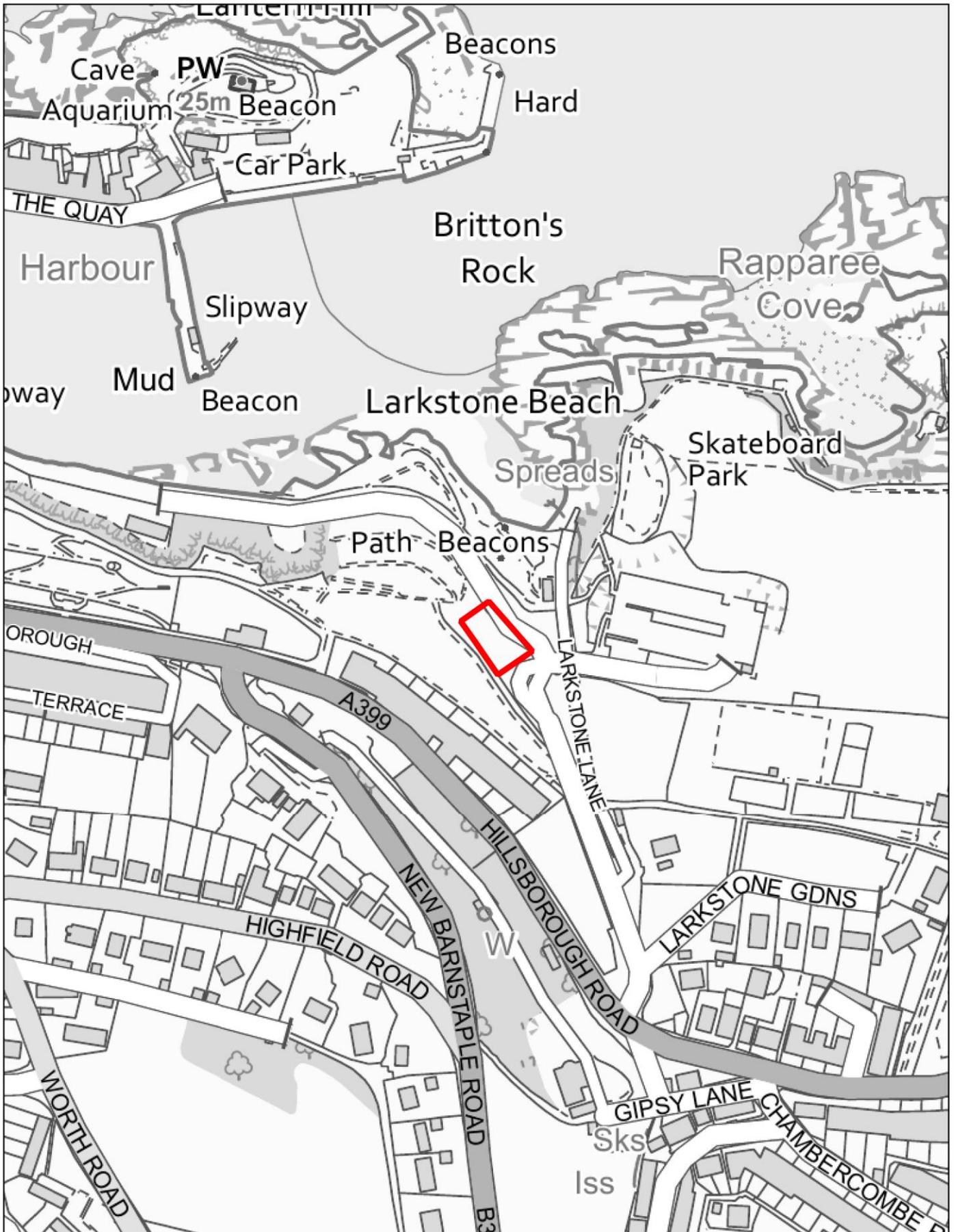
**Inserts**

Location Plan

Insert 1 - Scheme Outline

Insert 2 - Update from applicant

Insert 3 - Update from applicant



Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

## 76256 Larkstone Watersports Hub, Ilfracombe

Scale: 1:2500  
Date: 27 January 2023

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