



Application Report

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

Application No:	77915
Application Type:	NDC Regulation 3
Application Expiry:	15 March 2024
Extension of Time Expiry:	15 March 2024
Publicity Expiry:	23 January 2024
Parish/Ward:	ILFRACOMBE/ILFRACOMBE EAST
Location:	Ilfracombe Watersports Hub Larkstone Lane Ilfracombe Devon EX34 9FQ
Proposal:	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for creation of external terrace to building with new external stair link from main building balcony
Agent:	Helen Bond
Applicant:	Helen Bond
Planning Case Officer:	Mr M. Brown
Departure:	N
EIA Development:	
EIA Conclusion:	NO EIA REQUIRED.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The applicant and landowner are North Devon District Council

Site Description

The site is operated as a Watersports Centre with the building having officially opened in 2023. The property also houses a Cafe which will utilise the remains of a lime kiln as a seating area. The kiln is formed of stone and has been stabilised as part of the works to form the Watersports Centre. The buildings are to the south and west of the site with views of the harbour to the north. The site is set below the wider landform which provides a back drop, along with the recently constructed dwellings.



View from the South



View from the public car park to the North



View from the public car park to the North



View from the East screened by walling

Recommendation

Approved

Legal Agreement Required: No

Planning History

Reference Number	Proposal	Decision	Decision Date
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

Reference Number	Proposal	Decision	Decision Date
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
72955	Discharge of conditions 5 (intertidal habitat scheme), 6 (seawall design & mitigation measures) and 9 (CEMP) planning permission 64472 at Ilfracombe Watersports Centre Larkstone Lane Ilfracombe Devon EX34 9FQ	Approved	8 April 2021
73820	Approval of details in respect of partial discharge of condition 10 (materials) attached to planning permission 64472 (erection of new multipurpose watersports centre with boat and equipment storage facilities, showers, changing rooms, teaching space, cafe and slipway) at Ilfracombe Watersports Centre Larkstone Lane Ilfracombe Devon EX34 9FQ	Approved	9 February 2022
75623	Approval of details in respect of discharge of condition 10 (materials) attached to planning permission 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	Approved	26 September 2022

Reference Number	Proposal	Decision	Decision Date
	EX34 9FQ		

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
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
Land is potentially contaminated, site was used for:Cement, lime & plaster products [manufacture], Is ranked:LOW, Year:1891	Within constraint
Landscape Character is:	Within constraint
USRN: 27500440 Road Class:R Ownership: Highway Authority	2.32
USRN: 27505827 Road Class:YFP Ownership: Highway Authority	8.90
USRN: 27505830 Road Class:YFP Ownership: Highway Authority	14.40
Within Adopted AONB (ST09 & ST14)	Within constraint
Within Adopted Coast and Estuary Zone	Within constraint
Within adopted Development Boundary: Ilfracombe Development Boundary DM04	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Ilfracombe Harbour Consultation Area	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 DM07 - Historic Environment	

Constraint / Local Plan Policy	Distance (Metres)
DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM15 - Farm Diversification DM17 - Tourism and Leisure Attractions ILF - Ilfracombe Spatial Vision and Development Strategy ILF05 - Harbour / Seafront Tourist Area 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 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 objection received.
Councillor J Williams Reply Received	No objection received.
Councillor P Crabb Reply Received	No objection received.
Heritage & Conservation Officer Reply Received 29 January 2024	I understand that some of the works are permitted development, but the bridge is the main element requiring planning permission. I do not consider that this will cause harm to the significance of the heritage asset.
Ilfracombe Harbour Master Reply Received	No objection received.
Ilfracombe Town Council Reply Received 17 January 2024	Discussion: After a short discussion, members had no concerns with this application. Recommendation: Support. A recommendation to support this application was proposed by Cllr Newland, seconded by Cllr D Williams with all in favour.
North Devon AONB Service	No objection received.

Name	Comment
Reply Received	
Sustainability Officer	No objection received.
Reply Received	

Neighbours / Interested Parties

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

No representations received.

Considerations

Proposal Description

This application seeks detailed planning permission for the erection of a pedestrian bridge between the Watersports Centre Café and adjacent area above a former lime kiln.

The applicant has set out by way of background:-

“The proposals seek to further enhance the community offering at Larkstone Cove via using the top of the existing lime kiln on the site for the provision of an external terrace for public use. The terrace is proposed to be linked to the existing café balcony via a new external stair, creating additional external seating and look-out point. The external stair link also provides an alternative means of fire escape which would allow an increased occupancy for the café.

The existing lime kiln is ideally located for views of the Harbour and Verity Statue as well as gaining more direct sunlight compared to a majority of the predominantly north-facing site. The pedestrian terrace would be accessed from either the café balcony or the existing path alongside the Canoe Club building. Access could be controlled via existing external gateways / fencing to ensure safety ‘out of hours’ for this coastal site. The proposal of the new external terrace seeks to creatively reuse the lime kiln, better integrating it as part of the wider Watersports site, the town of Ilfracombe and the Southwest Coast Path beyond.

The materials proposed for the bridge and terrace are intrinsically linked with those approved for the Watersports centre itself, i.e. using the same materials and finishes for paving, balustrading and steel work etc. This ensures the proposals read clearly as part of the collective of sensitive contemporary interventions within this the conservation area site.

The terrace balustrade is proposed to be set back from the Lime Kiln edge, softening its visual impact. A green ‘soft capping’ is proposed to the top of the lime kiln, further softening the visual impact of the new terrace as well as providing protection to this currently exposed edge which would otherwise be subject to increased weathering and damage.

SUMMARY

The proposals for a new terrace and external stair to the lime kiln at Larkstone Cove are designed to blend cohesively as part of the watersports buildings and external landscaped areas of the site. The terrace and external stair proposals provide a sensitive integration of the historic kiln with the site’s existing café and watersports uses, as an effective way of further improving the area’s offering to the local community.”

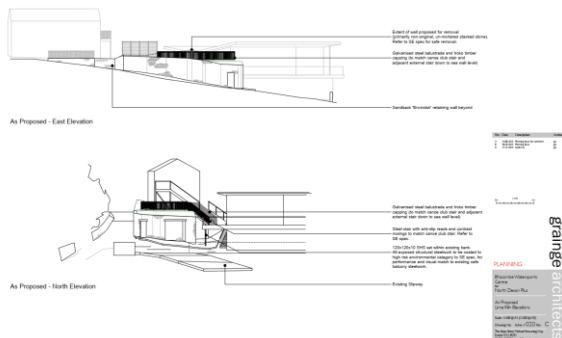
In terms of this planning application it is purely the bridge elements that is under consideration.



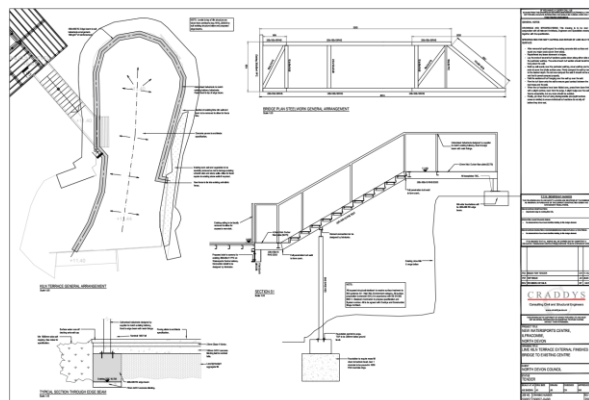
Location Plan



Proposed Site Plan



Proposed Elevations



Bridge Detail

Planning Considerations Summary

- Principle Of Development
- Design/Heritage
- Amenity
- Ecology
- Highways

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

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.

The design and heritage Policies seek to secure good design addressing heritage impacts.

The scheme will help support the Watersports Centre overall.

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 200 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. Also, paragraph 205 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 208 of the NPPF.

The Conservation Officer has advised:-

"I understand that some of the works are permitted development, but the bridge is the main element requiring planning permission. I do not consider that this will cause harm to the significance of the heritage asset."

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 and Duty 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 proposed construction materials for the bridge (metal and timber) will harmonise with the existing built form finishing materials. The landform will provide a backdrop to the site with the scheme relating well to the built form

Drawing the above to gather it is concluded that yes there will be a very limited change in the character of the area through the introduction of the scheme, however this will not be unacceptable as the development is ameliorated through the design and landform preserving the Conservation Area.

Overall 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.

Opportunities for antisocial behaviour are minimised through active use of the site etc. Whilst the provision of the bridge will not alter the use of the site materially.

Drawing this together it is concluded that the scheme will 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).

Planning Policy seeks to secure a net gain in biodiversity through the planning system. Given the scale, nature and context of the scheme no unacceptable impact on protected species is identified. Whilst, due to the scale of the development, and noting the landscaping secured previously it is not considered reasonable to seek to secure a net gain in biodiversity as part of this scheme. As such the scheme is considered acceptable in terms of ecology.

Flood Risk and Drainage

The site is located within Flood Zone 2/3, but somewhat raised above ground level.

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.

Due to the elevated nature of the proposal and its limited scale no unacceptable flood risk is identified.

Highways

No highway concerns are raised due to the nature of the scheme.

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 the new Watersports Centre, while Policy ILF seeks to support economic development. This scheme would support these aims.

The scheme will result in built form within the urban context of Ilfracombe and its conservation area and the AONB. However these very limited impacts would be ameliorated through existing topography, landscaping and other built form. As such very 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.

In light of the foregoing it is concluded that the overall benefits of the scheme outweigh the 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 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:

1616a-001B Location Plan received on the 11/12/23

1616a-010C Proposed Site Plan received on the 11/12/23

1616a-020C Proposed East - North Elevations received on the 11/12/23

1616a-021C Proposed External Detail received on the 11/12/23

30057-0400P2 Proposed External Finishes received on the 08/11/23

('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 shall be constructed in accordance with the schedule of external finishing materials set out on the approved plans.

Reason:

In the interests of the appearance of the development and locality and heritage asset in accordance with Policy DM04 and DM07 of the North Devon and Torridge 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 and has imposed planning conditions to enable the grant of planning permission. This has included consideration of design, heritage, amenity and ecology.