



## **Application Report**

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

<b>Application No:</b>	78163
<b>Application Type:</b>	Full Application
<b>Application Expiry:</b>	14 March 2024
<b>Extension of Time Expiry:</b>	
<b>Publicity Expiry:</b>	28 February 2024
<b>Parish/Ward:</b>	ILFRACOMBE/ILFRACOMBE EAST
<b>Location:</b>	Land to east of Victoria Pleasure Grounds Wilder Road Ilfracombe
<b>Proposal:</b>	Application under Regulation 3 of the T & C P General Regulations 1992 notification by NDC for Erection of public WC facilities & bus shelter
<b>Agent:</b>	RGP Architects Ltd
<b>Applicant:</b>	North Devon Council
<b>Planning Case Officer:</b>	Mr K. Webster
<b>Departure:</b>	N
<b>EIA Development:</b>	
<b>EIA Conclusion:</b>	Development is outside the scope of the Regulations.
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee – The applicant and landowner is North Devon District Council.

### **Site Description**

The site is a raised area or platform of concreted land next to Wilder Road. The site is adjacent to, and east of, the crazy golf course at St James' Place Gardens and the proposal would provide public toilets and a bus shelter for St James' Place Gardens Bus Stop.

St James' Place Gardens has a number of historic stone walls and pillars that are notable for their character. As are the rockeries and planting areas surrounding the site.

The site is near a public entrance to the St James' Place Gardens area and Capstone Hill from the east. The highway forms and S-bend as it becomes a one-way when travelling from the west to the east. There are 2no ways onto the highway when travelling back from the east towards the west as it becomes a two-way road. The bus stop here often has 2no or more buses parked here as the bus stop is a holding or terminal stop on the main bus routes. The road narrows before and after the area in which 2no buses would park, or before and after the Ropery Road and Mill Head intersections with St James Place/Wilder Road.

The site is within Flood Zones 2 and 3 and a Critical Drainage Area. It is within the Ilfracombe Conservation Area and an Adopted Tourist Area (Policy ILF05: Ilfracombe Harbour and Seafront).



Looking South-West towards Site



Looking North towards Site



Looking West towards Site



View from Pub Across the Road

## **Recommendation**

### **Approved**

Legal Agreement Required: No

## **Planning History**

Reference Number	Proposal	Decision	Decision Date
77/0007/3 4/01	PROPOSED CONSTRUCTION OF TANK FOR RADIO CONTROLLED BOATS. RANGE FOR RADIO CONTROLLED TANKS at RADIO BOAT TANK VICTORIA PLEASURE GROUNDS, WILDER ROAD, ILFRACOMBE, DEVON,	APPROVE - WITH CONDITIONS	4 March 1977

<b>Reference Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
<b>78/0022/34/03</b>	CONSTRUCTION OF TANK FOR RADIO CONTROLLED BOATS AND RANGE FOR RADIO CONTROLLED MODEL TANKS at RADIO BOAT TANK VICTORIA PLEASURE GROUNDS, WILDER ROAD, ILFRACOMBE, DEVON,	APPROVE - WITH CONDITIONS	4 May 1978
<b>17190</b>	PROPOSED TEMPORARY CHANGE OF USE OF LAND FOR SUMMER SEASON FOR THE SITING OF CHILDREN'S RIDES & ROUNDABOUTS at VICTORIA PLEASURE GROUNDS, WILDER ROAD, ILFRACOMBE, EX34 8BN	WITHDRAWN	30 September 1993
<b>30974</b>	RETROSPECTIVE APPLICATION IN RESPECT OF FORMATION OF CRAZY GOLF COURSE at VICTORIA PLEASURE GROUNDS, WILDER ROAD, ILFRACOMBE, EX34 9AS	FULL PLANNING APPROVAL	23 May 2001
<b>52091</b>	SITING OF TRAILER MOUNTED GRYOSCOPE RIDE at FORMER TOURIST INFORMATION SITE, THE PROMENADE, ILFRACOMBE, DEVON, EX34 9BZ	Withdrawn Invalid	5 May 2011
<b>56627</b>	APPLICATION UNDER REGULATION 3 OF THE T & CP GENERAL REGULATIONS 1992 FOR TEMPORARY WINTER CAR PARKING FOR 30 RESERVED PERMIT HOLDERS RELOCATED FROM CHEYNE BEACH CAR PARK FROM NOVEMBER TO APRIL 2013 & 2014 (AMENDED PLAN) at TARMAC AREA ADJACENT CRAZY GOLF COURSE, VICTORIA PLEASURE GARDENS (SEAFRONT), WILDER ROAD, ILFRACOMBE, DEVON, EX34 8BN	FULL PLANNING APPROVAL	9 January 2014
<b>70868</b>	Application under Regulation 3 of the T & C P General Regulations 1992 for Planning Permission to erect significant historic parts of Toll Booths (re-located from the Quay) together with associated external works and landscaping at East end of Victoria Pleasure Grounds, St James Place, Wilder Road, Ilfracombe, Devon, EX34 8BN	Approved	12 February 2020
<b>72257</b>	Approval of details in respect of discharge of Condition 5 (flood resilient design measures) attached to planning permission 70868 Application under	Approved	23 November 2020

Reference Number	Proposal	Decision	Decision Date
	Regulation 3 of the T & C P General Regulations 1992 for Planning Permission to erect significant historic parts of Toll Booths (re-located from the Quay) together with associated external works and landscaping at End of Victoria Pleasure Grounds, St James Place, Ilfracombe, Devon, EX34 8BN		

### **Constraints/Planning Policy**

Constraint / Local Plan Policy	Distance (Metres)
Adopted Tourist Area: Ilfracombe Harbour and Seafront Policy Ref: ILF05	Within constraint
Advert Control Area Ilfracombe	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 91.4m	Within constraint
Conservation Area: 18 Ilfracombe (Adopted 08/09/2009)	Within constraint
Critical Drainage Area	Within constraint
Landscape Character is: 7 Main cities and towns	Within constraint
Listed Building Curtilage (Adjacent to)	13.08
Public Right of Way: Footpath 234FP92	1.64
Risk of flooding from: Lower Slade, reservoir with risk level High-risk	Within constraint
Risk of flooding from: Slade Upper, reservoir with risk level High-risk	Within constraint
USRN: 27500447 Road Class: R Ownership: Highway Authority	7.59
USRN: 27500474 Road Class: R Ownership: Highway Authority	6.02
USRN: 27500489 Road Class: C Ownership: Highway Authority	6.02
USRN: 27505893 Road Class: YFP Ownership: Highway Authority	1.64
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: 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  
Conservation Area: ILFRACOMBE  
DM01 - Amenity Considerations

Within constraint

DM02 - Environmental Protection  
DM04 - Design Principles  
DM05 - Highways  
DM07 - Historic Environment  
DM08 - Biodiversity and Geodiversity  
DM08A - Landscape and Seascape Character  
DM09 - Safeguarding Green Infrastructure  
ILF - Ilfracombe Spatial Vision and Development Strategy  
ILF05 - Harbour / Seafront Tourist Area  
ST03 - Adapting to Climate Change and Strengthening Resilience  
ST04 - Improving the Quality of Development  
ST09 - Coast and Estuary Strategy  
ST14 - Enhancing Environmental Assets  
ST15 - Conserving Heritage Assets  
ST22 - Community Services and Facilities

### **Consultees**

<b>Name</b>	<b>Comment</b>
Designing Out Crime Officer	Was consulted prior to submission of this application.
Heritage & Conservation Officer  Reply Received 6 February 2024	<i>I have been involved with the evolution of this project through the design stage, and am pleased to support it. The plans make better use of the redundant platform at the eastern end of the Pleasure Grounds, which has been empty since the removal of the TIC building. The proposal will re-instate the distinctive fin structures from the kiosk buildings at the entrance to the pier, and provide a useful public facility, so in my view, this proposal is an enhancement to the Conservation Area.</i>
DCC - Development Management Highways	No comments received.
DCC - Public Rights Of Way	No comments received.
Ilfracombe Town Council  Reply Received 22 February 2024	<i>Discussion: During this application Cllr J Williams allowed members of the public that live in the area of the proposed site to express their opinions on the application. The residents had concerns with the positioning of the proposed toilet doors and the potential anti-social behaviour the Public Conveniences could attract. The PO stepped in to reassure the residents that the pay on entry doors should reduce the amount of antisocial behaviour and vandalism which commonly occur in Public Conveniences. Cllrs were aware of the need for toilets in that area due to the lack of but sympathised with the residents' concerns of their properties being in direct view of the toilet doors. Members wanted to suggest that if the doors could be positioned to face the opposite direction, onto the St James gardens, then this would be a better comprise for the residents in the area. Recommendation: Support. A recommendation to support this application was proposed by Cllr Newland, seconded by Cllr Schofield with all in favour.</i>

Name	Comment
Councillor D Turton	No comments received.
Councillor J Williams	No comments received.
Councillor P Crabb	No comments received.

### **Neighbours / Interested Parties**

Comments	No Objection	Object	Petition	No. Signatures
1	2	2	0.00	0.00

3no members of the public objected to this application, commenting on:

- the design (not being in keeping with the Victorian architecture);
- amenity (of local businesses and residents opposite the toilet doors);
- public safety (attracting criminal behaviour at the site);
- highways safety (as the bus stop is proposed to be moved back);
- opening times (whether the facility would be locked in the evenings); and,
- viability (considering other facilities are under-funded/maintained).

Another 2no members of the public showed support for the development, commenting on:

- the design in the context of the setting;
- the benefits of providing public toilet facilities;
- the improvements for public transport users; and,
- the improvements to highways safety.

These comments will be considered within the officer recommendation report below.

### **Proposal Description**

This application seeks detailed Planning Permission (under Regulation 3 of The Town and Country Planning General Regulations 1992) for the erection of a toilet block and bus shelter at the St James' Place Gardens Bus Stop.

The building would be constructed on an existing concrete platform next to the crazy golf course. It would have a chevron/triangular shape, pointing eastwards, with one side forming the WC facility (3no toilets of which 1no is an accessible toilet), and the other forming a partially open-side bus shelter. There would be an open-sided covered central area between with a clock above. The facility would be operated and maintained by Ilfracombe Town Council.

The design was originally intended to re-use materials (such as the finials and the clock) from a former kiosk at the entrance to the key, however much of the materials could not be salvaged, so the design would mostly replicate these features instead.

A row of seating beside the pavement would be provided in place of the existing blue railing with a stone wall constructed to match the existing walls behind it. There would be other alterations to the surrounding planters. The bus stop is proposed to be moved rearwards,

[illegible]

## Existing Site Plan

## **Planning Considerations Summary**

- Principle of Development
- Design and Impact on the Setting
- Design and Impact on Amenity/Public Safety
- Impact on Ecology
- Highways Safety
- Drainage and Flood Risk

## **Planning Considerations**

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

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 ILF (Ilfracombe Spatial Vision and Development Strategy) of the Local Plan contains a 'Spatial Development Strategy' that includes (among other things):

- improving community and tourism facilities;
- enhancing Ilfracombe's transport infrastructure;
- optimising accessibility to jobs, shops and community facilities within the town by improving the safety/capacity of vehicular traffic; and,
- conserving and enhancing Ilfracombe's townscape quality and identity.

Policy ILF05 (Harbour/Seafront Tourist Area) of the Local Plan states that proposals for new leisure, tourism, commercial, maritime and recreation development will be supported where they:

- (a) conserve and enhance the area's built heritage 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 AONB; and
- (c) do not prejudice the achievement of pedestrian priority in the area.

Policy ST22 (Community Services and Facilities) states that the development of new or extensions/improvements to existing community facilities that meet the needs of local communities will be supported within or adjoining defined 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.

Policy DM09 (Safeguarding Green Infrastructure) states that development involving the loss of green infrastructure including Public Open Space will only be supported where:

- (a) alternative green infrastructure is provided of at least equivalent size, quality and accessibility to that being lost; or
- (b) the green infrastructure network in the locality can be retained or enhanced through redevelopment of a small part of the site; and in either case,
- (c) there is no net loss in sustainable travel options.

The proposed development would contribute towards the improvements to community and tourist facilities, transport-related facilities and the overall character and appearance of the Harbour/Seafront Tourism Area. The provision of a WC facility at this location would enable visitors to enjoy the amenities and services in the area for longer periods, while the improved transport facility would support accessibility to jobs, shops and community facilities.

The development proposed is considered to be in accordance with policies ILF, ILF05, ST22 and DM09 of the North Devon and Torridge Local Plan. As such, the proposal is considered acceptable in principle, provided the proposal complies with relevant planning considerations and development management policies of the Local Plan.

### **Design and Impact on the Setting**

Policy ST04 (Improving the Quality of Development) 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 (Design Principles) of the Local Plan requires development to be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood.

Policy ST09 (Coast and Estuary Strategy) is a consideration as the site is located within the Coast and Estuary Zone and as such, any development in this area will need to ensure that it does not detract from the character, appearance and heritage of the area, while maintaining and enhancing the sustainability of the community.

Policy DM08A (Landscape and Seascape Character) emphasises that great weight will be given to conserving and enhancing the scenic beauty and character of the designated landscapes and seascapes within the North Devon Coast Area of Outstanding Natural Beauty (AONB).

Policies ST15 (Conserving Heritage Assets) and DM07 (Historic Environment) of the Local Plan require that development must follow design principles that will be

appropriate and sympathetic to the setting and be carried out in order to preserve and enhance heritage assets and their landscapes.

This section focuses on the appearance and architectural merits of the proposed development given the location.

The proposed building would be sited, positioned and shaped so to be aligned the theatre/seafront and the church. It would point towards to the east with the northern section having 3no WCs and the southern section having a shelter bus-stop. The building would be finished with painted render aside from the finials that would take inspiration from a previous kiosk building at the entrance to The Quay.

The Council's Heritage and Conservation Officer was part of the design process and left the following consultation comment:

*I have been involved with the evolution of this project through the design stage, and am pleased to support it. The plans make better use of the redundant platform at the eastern end of the Pleasure Grounds, which has been empty since the removal of the TIC (Tourist Information Centre) building. The proposal will re-instate the distinctive fin structures from the kiosk buildings at the entrance to the pier (The Quay), and provide a useful public facility, so in my view, this proposal is an enhancement to the Conservation Area.*

Details within the Design and Access Statement as well as the Heritage Statement show that there has been consideration for the historic character of the street scene during the design process. The shape and materials used compliment the plot shape, provide additional stone walls to match and, in part, the form of how St James' Pleasure Gardens looked at the turn of the 19<sup>th</sup> century. The replica finials and portal windows respond to Ilfracombe's maritime history. Reinstating some of the stone walls and pillars to match the existing walled gardens would be an enhancement to the Conservation Area.

Regarding the design of the building, 2no members of the public raised concern that the art deco design of the proposed building would not reflect the existing Victorian terraces and other architectural features surrounding the site. This is noted, however when taken on balance, there are other key features that respond well to the history and setting of the site, and the removal of the disused modern railings and constructing an appropriate and sympathetic building on the site of a redundant concrete platform would be considered a positive contribution to the character and appearance of the setting.

As such, the proposed development is, subject to condition, considered acceptable in terms of design and impact on the setting, as accords with policies ILF, ILF05, ST22, ST04, DM04, ST09, DM08A, ST15 and DM07 of the North Devon and Torridge Local Plan and the Duty above.

### **Design and Impact on Amenity/Public Safety**

Policy DM04 (Design Principles) of the Local Plan states that development proposal need to (among other things):

- are accessible to all and create inclusive environments;
- provide public and private spaces that are well-designed, safe, attractive and designed to minimise anti-social and criminal behaviour;
- ensure the amenities of existing and future neighbouring occupiers are safeguarded;

- optimise the use of land and minimise functionless open spaces; and,
- are flexible to adaptation.

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

Policy DM02 (Environmental Protection) of the Local Plan states development will be supported where it does not result in unacceptable risk to public health and safety, due to gas/particulate, noise or light pollution.

This section focuses on the functionality of the building and the site, given its intended use and the impacts it could have on public safety.

Firstly, it is clear that the provision of these facilities would bring an obvious in-principle amenity benefit to the public. There is a lack of public toilet facilities in Ilfracombe, and as 2no members of the public have noted, many local and tourists resort to using the facilities within nearby businesses. The provision of WC facilities, a seating area and a bus shelter here would benefit local residents, public transport users and tourists, who would all be able to better enjoy and spend longer periods of time supporting the local economy.

Despite the obvious benefits the facility would bring, there is a need to assess whether the building proposed has been designed in such a way to be sustainable in terms of public safety, by ensuring that the provision of a building of this nature, in this location, would not cause future issues, such as by attracting criminal behaviour or vandalism.

During the design process, prior to the submission of this application, the applicant has advised that consideration for the public safety implications of the building was required. Devon and Cornwall Police's Designing Out Crime Officer was consulted prior to the submission of this application, and requested for the WC door to face 'outwards' (toward the north-east) and for the sheltered and enclosed areas to be as open as possible to increase surveillance and visibility. At the time of writing, Devon and Cornwall Police's Designing out Crime Officer, are not expected to comment on the final submission, given their involvement in the design process. If this changes Members will of course be updated at their meeting.

The toilet doors would face towards nearby terraced buildings. These are mixed-use (both residential and commercial). 2no members of the public have raised concern that the WCs facilities would harm the amenities of the occupiers and uses of the residential units and local restaurants/businesses. However, if the WC doors were to face 'inwards' (south-west), this would raise more significant concerns with regard to public safety given the enclosed nature of the building. Approximately, there would be an 18 metre distance from the WCs to the nearest business, and would be 25 metres from the nearest residential unit. Given the distance, it is unlikely that there would be significant disturbance to nearby uses due to privacy, noise or smell.

2no members of the public had concerns that the building would attract criminal behaviour, and mentioned the challenges that have been facing the operation and maintenance public toilet facilities across North Devon, due to (among other things) the lack of funding and issues with alcohol/drug-use.

Prior to the submission of this application, the safety of the public was a design consideration as advised by Devon and Cornwall Police's Designing out Crime Officer. As such, the sheltered parts of the building, and the area behind the building (to the west), have been designed to be as open as possible and retain visibility/surveillance so to minimise attracting criminal behaviour. The bus shelter would be mostly open with a clear screening used such that there would be unobstructed views while still protecting users from adverse weather.

The proposed facility is considered acceptable with regards to amenity and public safety. There would be a clear benefit to the public and local businesses as a result of providing public toilets here, and the bus shelter would enhance public transport facilities. The design process was thorough in ensuring there would be minimal anticipated issues with public safety and crime as a result of the development. As such, the proposed development is considered acceptable on balance, and is in accordance with policies ILF, ST22, DM04, DM01 and DM02 of the Local Plan.

### **Impact on Ecology**

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

Policy ST14 (Enhancing Environmental Assets) of the Local Plan aims to protect and enhance northern Devon's natural environment by ensuring that development contributes to providing a net gain in biodiversity where possible.

Policy DM08 (Biodiversity and Geodiversity) of the Local Plan requires development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.

With regards to ecology, the proposed bus shelter and WC facility would be constructed on an existing concrete platform. As such, there would be minimal harm to ecology as a result of the building being constructed.

An area of planting to the east of the site would be reduced, with a proposed larger area of planting to the north of the site being provided. This would ensure a biodiversity net gain is achieved.

Given the information received, subject to condition, the proposal would be considered acceptable with regard to the ecological impact, in compliance with policies ST14 and DM08 along with relevant policies of the NPPF.

### **Highways Safety**

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

The submitted plans show the existing bus stop road markings being moved back/rearwards by almost 1no bus-length. However, this is outside of the red line

boundary and would be subject to a Traffic Regulation Order, so is not considered part of this application.

Devon County Council's Highways Authority were consulted on this issue but were unable to provide a comment at the time of writing this report.

The provision of a bus shelter and seating area here should improve the safety and accessibility of the area for highway users and pedestrians. As such, the proposed development is considered acceptable and it accords with policy DM05 of the Local Plan.

### **Drainage and Flood Risk**

Policy ST03 (Adapting to Climate Change and Strengthening Resilience) of the Local Plan states development will be supported where it would take account of impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by (among other things) minimising runoff in Flood Zones and Critical Drainage Areas.

The proposed development would be connected with the main sewer system. As the building would replace an area of impermeable concrete and would have a sedum roof that would slow surface water runoff and redirect it to the mains system, the proposed development would result in a reduction of surface water runoff.

As such, the proposal is, subject to condition, considered acceptable and in accordance with policy ST03 of the Local Plan.

### **Conclusion**

The application is considered to accord with the adopted development plan. Approval of the application is therefore recommended subject to the imposition of planning conditions.

### **Human Rights Act 1998**

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

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

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

### **Recommendation**

## **Approved**

Legal Agreement Required: No

## **Conditions**

1. The development 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:

23039 L1 Location Plan received on the 10/01/24

23039 P1B Proposed Floor - Elevations received on the 18/01/24

23039 P2A Proposed 3D Elevations received on the 10/01/24

('the approved plans').

Reason:

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

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

- Walls - Render

- Roof - Green/Sedum Roof

- Doors/Windows - Aluminium

- Finials - Concrete (to match previous from kiosk)

- Boundary Walls - to match existing

Reason:

In the interests of the appearance of the development and locality in accordance with policies ILF, ILF05, ST22, ST04, DM04, ST09, DM08A, ST15 and DM07 of the North Devon and Torridge Local Plan.

4. Prior to the development hereby approved being brought into first use, the biodiversity net gains as indicated on the approved plans, shall be provided in full and maintained and retained thereafter.

Reason:

To enhance the character and appearance of the development and to achieve net gains in biodiversity in compliance with policies ILF, ILF05, ST22, ST04, DM04, ST09, DM08A, ST15, DM07, ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.

## **Informatives**

1. If you are planning a new development or extending an existing property over, or within 3 metres of public assets you need to contact South West Water.

Note: SWW will not permit building within 4.5 metres of public water mains, sewage rising mains or sewers on a new development or redevelopment site. For more information please refer to the information on SWW website:

Clean water – <https://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/>

Waste water - <https://www.southwestwater.co.uk/buildover>

2. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included: The Principle of Development; Design and Impact on the Setting; Design and Impact on Amenity/Public Safety; Impact on Ecology; Highways Safety; and, Drainage and Flood Risk.