

Application Report

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



Application No: 78425
Application Type: Full Application
Application Expiry: 13 May 2024
Extension of Time Expiry:
Publicity Expiry: 24 April 2024
Parish/Ward: ILFRACOMBE/ILFRACOMBE EAST
Location: Larkstone Cafe
Larkstone Leisure Park
Larkstone Gardens
Ilfracombe
EX34 9QG

Proposal: Part retrospective change of use of former tennis courts to pitches for motor homes and a public car park with WC block. Resurfacing of existing track to provide access to private parking / motor homes area and delivery area. Widening / improvement to existing site entrance

Agent: Victoria Needham
Applicant: Mr G Rich
Planning Case Officer: Mr J. Jackson
Departure: N

EIA Development:
EIA Conclusion: Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable): Committee – North Devon Council own part of site

Site Description

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

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

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

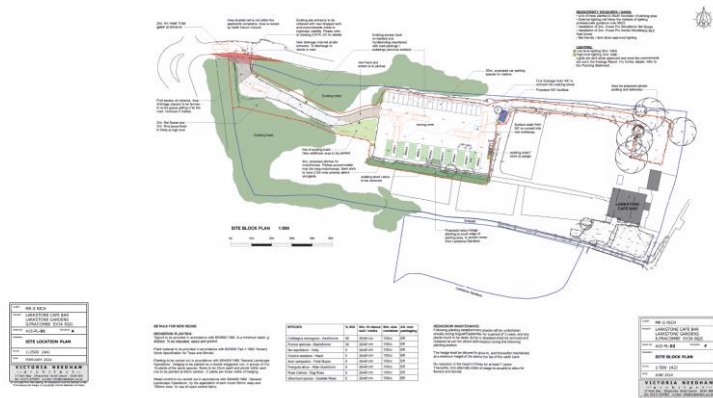
A second access track leads from the western edge of the main body of the site that slopes more steeply downwards before turning to the right to join the public highway via an existing vehicular access, broadly opposite the Ilfracombe sewerage treatment works. The Larkstone Lane public car park is located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

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

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



Site Location Plan



Proposed Site Plan



Photograph looking east across the site



Photograph looking west across the site

Recommendation

Approved
 Legal Agreement Required: No

Planning History

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

Constraints/Planning Policy

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

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

Consultees

Name	Comment
Councillor D Turton Reply Received	No comments received
Councillor J Williams Reply Received	No comments received
Councillor P Crabb Reply Received	No comments received
DCC - Development Management Highways Reply Received 22 April 2024	Development Management (Highways), on behalf of Devon County Council, in its capacity as Local Highway Authority, has carefully considered the proposed development and note the proposed visibility to the centre line of the carriageway in the easterly direction. However: i) the aim is to achieve 43 metres visibility in the easterly direction, at a minor road distance of 2.4 metres, to the nearside of the carriageway or, if not possible; ii) aim to achieve 43 metres visibility to an offset of 1 metre from the carriageway edge, or iii) identify the maximum achievable to the nearside of the carriageway.
DCC - Development Management Highways	Am pleased to confirm the revised site entrance plan, with visibility identified, is acceptable to the Local Highway Authority.

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

Name	Comment
<p data-bbox="180 197 373 297">Heritage & Conservation Officer</p> <p data-bbox="180 342 408 409">Reply Received 24 April 2024</p>	<p data-bbox="443 197 1407 555">This proposal was the subject of a pre-application enquiry. In my response to this I stated that the site is close to the two grade II listed buildings at Hillsborough Cottage, and also close to the Ilfracombe Conservation Area and the Scheduled Ancient Monument at Hillsborough. The caf building is relatively prominent in mid to long range views. The tennis court, because it is a surface development and has reasonable tree cover around it to the west, is less prominent at the moment. It is clearly dis-used, and the proposed re-purposing as campervan pitches, being a transient use, would seem to be sensible.</p> <p data-bbox="443 562 1407 1061">I did warn, however, that the campervans would become quite visible in the landscape when the site is full, and that this would affect the setting of the SAM and the Conservation Area. Looking at the existing landscaping, it might be more sensible to site the campervans in a group to the south and west of the site, where they can be screened by existing trees and hedges. If it is necessary to add another building, I would suggest rationalising the existing sheds and stores, which are scattered around the site, and combining these with a modest w/c building, to limit permanent development on this site. It is also worth conditioning the use to a seasonal period, so that it will be much less visible in the late autumn/winter/early spring season, when the natural green screening is at its most sparse, and presumably also when demand is at its lowest.</p>
<p data-bbox="180 1079 373 1180">Heritage & Conservation Officer</p> <p data-bbox="180 1225 408 1292">Reply Received 28 May 2024</p>	<p data-bbox="443 1079 1390 1180">I think that is better, actually. I don't mind the entrance being moved to the north a little, that won't be quite so visible as the row of camper vans.</p>
<p data-bbox="180 1303 416 1339">Historic England</p> <p data-bbox="180 1373 408 1440">Reply Received 22 April 2024</p>	<p data-bbox="443 1303 1401 1404">Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.</p> <p data-bbox="443 1449 1401 1550">We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at https://historicengland.org.uk/advice/find/</p> <p data-bbox="443 1594 1401 1695">It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.</p>
<p data-bbox="180 1742 373 1809">Ilfracombe Town Council</p> <p data-bbox="180 1854 408 1921">Reply Received 18 April 2024</p>	<p data-bbox="443 1742 1390 1843">Discussion: After a short discussion, members had no major concerns with this application and noted that Licences will need to be obtained before this application can progress.</p> <p data-bbox="443 1850 839 1886">Recommendation: Support.</p> <p data-bbox="443 1892 1401 1948">A recommendation to support this application was proposed by Cllr Newland, seconded by Cllr D Williams with all in favour.</p>
<p data-bbox="180 1966 395 2067">North Devon Coast National Landscape</p>	<p data-bbox="443 1966 1394 2033">Thank you for consulting the North Devon Coast National Landscape on this site in the Areas of Outstanding Natural Beauty.</p>

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

Neighbours / Interested Parties

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

The following issues have been raised by the representations received.

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

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

Considerations

Proposal Description

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

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

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

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

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

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

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

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

Planning Considerations Summary

The material considerations pursuant to the application are:

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

Planning Considerations

1. Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) reuses or converts existing buildings; or

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

and in all cases:

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

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

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

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

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

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

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

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

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

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

2. Heritage and Conservation

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

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

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

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

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

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

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

3. Character and Appearance, Impact on National Landscape

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

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

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

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

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

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

4. Local Economy

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

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

5. Ecology

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

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

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

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

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

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

6. Residential Amenity

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

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

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

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

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

7. Highways

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

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

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

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

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

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

8. Flood Risk and Drainage

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

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

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

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

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

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

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

9. Other Matters

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

10. Conclusion

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

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

Human Rights Act 1998

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

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

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

Recommendation

Approved

Legal Agreement Required: No

Conditions

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

Reason :

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:
 415 PL 01A Location Plan received on the 11/03/24
 415 PL 02F Site Block Plan received on the 17/06/24
 415 PL 03C Site Entrance Details & Highways Visibility received on the 26/04/24
 415 PL 04A Proposed WC Block Floor Plans & Elevations received on the 18/03/24
 ('the approved plans').

Reason:

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

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

Reason :

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

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

Reason:

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

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

WC Block:

External walls: Timber cladding above brick plinth

Roof: Slate tiles

Site surfacing: Porous road planings / scalpings

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

Reason:

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason :

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason :

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

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

Reason:

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

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

Reason:

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

13. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

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

Informatives

1. **Statement of Engagement**
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included the relocation of the motorhome pitches along the southern site boundary.
2. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>
3. The applicant should be advised to contact North Devon Council's Caravan Site Licensing team in relation to compliance with caravan and campsite licensing legislation.