

Application Report

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



Application No:	78372
Application Type:	Full Application
Application Expiry:	6 September 2024
Extension of Time Expiry:	6 September 2024
Publicity Expiry:	21 August 2024
Parish/Ward:	ILFRACOMBE/ILFRACOMBE EAST
Location:	Victoria Pleasure Grounds Wilder Road Ilfracombe Devon
Proposal:	Remove and replace existing kiosk, widen pedestrian access to site and rejuvenate mini golf course
Agent:	MC Partnership
Applicant:	MC Partnership
Planning Case Officer:	Mrs B. Coles
Departure:	N
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee The land is owned by North Devon District Council

Site Description

The site is an established crazy golf course situated within the Victoria Pleasure Grounds off of Wilder Road. The site is enclosed by a low stone wall with an open pedestrian entrance to the rear of the site. A timber shed provides a kiosk close to the entrance which is situated over a paved area. The golf course comprises of 12 holes and includes a water feature.



Existing Kiosk



Existing Kiosk and Access

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
78/0022/3 4/03	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
17190	PROPOSED TEMPORARY CHANGE OF USE OF LAND FOR SUMMER SEASON FOR THE SITING OF CHILDRENS RIDES & ROUNDABOUTS. at VICTORIA PLEASURE GROUNDS, WILDER ROAD, ILFRACOMBE, EX34 8BN	WITHDRAWN	30 September 1993
30974	RETROSPECTIVE APPLICATION IN RESPECT OF FORMATION OF CRAZY GOLF COURSE at , VICTORIA PLEASURE GROUNDS, WILDER ROAD, , ILFRACOMBE, EX349AS	FULL PLANNING APPROVAL	23 May 2001

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
Public Right of Way :Footpath 234FP92	3.76
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

Constraint / Local Plan Policy	Distance (Metres)
USRN: 27500447 Road Class:R Ownership: Highway Authority	8.56
USRN: 27500467 Road Class:C Ownership: Highway Authority	8.83
USRN: 27500474 Road Class:R Ownership: Highway Authority	12.10
USRN: 27500483 Road Class:R Ownership: Highway Authority	5.35
USRN: 27500489 Road Class:C Ownership: Highway Authority	8.56
USRN: 27505893 Road Class: YFP Ownership: Highway Authority	4.83
Within 100m of Adopted Marine Conservation Zone (ST09 & ST14)	80.43
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 Surface Water 1 in 1000	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 DM04 - Design Principles DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM17 - Tourism and Leisure Attractions ST03 - Adapting to Climate Change and Strengthening Resilience ST11 - Delivering Employment and Economic Development ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
Councillor D Turton	No comments received.
Reply Received 14 August 2024	

Name	Comment
Councillor J Williams Reply Received 14 August 2024	No comments received.
Councillor P Crabb Reply Received 14 August 2024	No comments received.
DCC - Public Rights Of Way Reply Received 12 August 2024	No comments received.
Heritage & Conservation Officer Reply Received 9 August 2024	I am happy to support this application, which relates to the crazy golf course in the heart of the Ilfracombe Conservation Area. I have had discussions with the applicant previously, and outlined the need to protect the stone walls surrounding this part of the Victoria Pleasure Grounds. We did agree that the existing access could be widened, however, to allow pushchairs and wheelchairs easier access.
Ilfracombe Town Council Reply Received 14 August 2024	No comments received.

Neighbours / Interested Parties

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

One letter of support received from an Ilfracombe resident who is of the opinion that the refurbishment proposed would be a big draw for others to spend more time and money in the town.

Considerations

Proposal Description

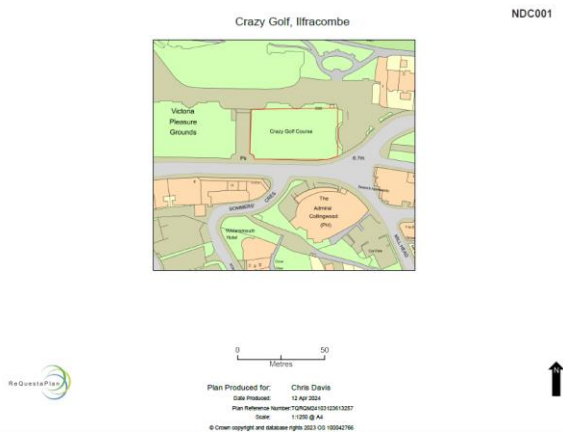
This application seeks detailed planning permission for the erection of a replacement timber kiosk and concrete base at the site and the widening of the existing pedestrian access into the mini golf course.

The new kiosk will replace an existing timber kiosk and will be situated in the same position as existing. The proposed kiosk will have a footprint measuring approximately 10.15 square metres with a low mono-pitched roof with a maximum height of 2.20 metres

to the front which reduces to 1.95 metres to the rear. A pedestrian door and window/serving hatch will be situated on the front, south facing elevation similar to existing. The proposed kiosk will have a slightly larger footprint than existing with an increase of 2.77square metres and the layout and height will be similar to existing.

The proposal also seeks to remove a small section of the existing low stone boundary wall to the west of the site beside the footpath to provide a wider pedestrian entrance this will extend the existing entrance by approximately 1.20 metres.

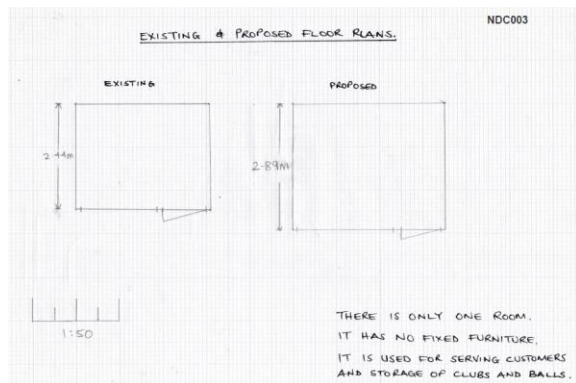
The works proposed includes a rejuvenation of the course with new holes however, it is considered that alteration to the mini golf course layout does not comprise development and as such the revised course layout does not form part of this consideration.



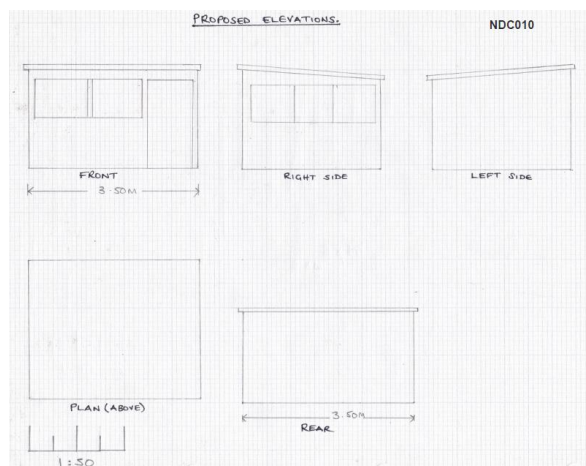
Location Plan



Existing/Proposed Block Plan



Existing/Proposed Floor Plans



Proposed Elevations

Principle of Development

The Council recognises the importance of retaining and providing employment opportunities. Policy ST11 of the Local Development Plan (LDP) supports existing employment sectors and encourages sustainable growth and states:

(6) Support will be given to existing sectors to ensure that they continue to flourish and grow in a sustainable manner. The modernisation of employment sites will be encouraged in order to meet current and future business needs.

The proposal seeks to rejuvenate and improve an established leisure attraction situated along the Promenade in Ilfracombe. Policy DM17 supports the development of new, and the expansion or rationalisation of existing tourist/leisure facilities in defined settlements where:

*(a) the scale of the proposal is appropriate to the size of the settlement; and
(b) there will not be an unacceptable impact upon:
(i) the local road network; nor
(ii) identified environmental and heritage assets; and
(c) any rationalisation would facilitate the retention or improvement of the remaining tourism, visitor or leisure facilities.*

(2) Elsewhere, within the Undeveloped Coast and in the Countryside beyond the Coast and Estuarine Zone, development of new or the expansion or rationalisation of existing tourism, visitor or leisure facilities will be supported where:

*(a) the location is justified;
(b) existing buildings are reused or converted wherever feasible;
(c) the local road network can accommodate the type and scale of traffic to be generated and maintain the safety of public highway users;
(d) it is designed to respect and enhance the key characteristics of the relevant landscape character types; and
(e) environmental and heritage assets are not subject to significant harm, and are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, biodiversity and heritage designations.*

It is accepted that the proposal relates to a well-established leisure attraction and employment site. Therefore subject to assessment against visual and heritage impact, amenity, ecology and flood risk and drainage, the proposal is acceptable in principle.

Planning Considerations Summary

- Design and Heritage Impacts
- Amenity
- Ecology
- Flood Risk and Drainage

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.

Design and Heritage

Policy ST04 of the Local Plan states that development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in policy DM04.

Policy DM04 of the Local Plan encourages good design and ensures that development proposals should be appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood; reinforce the key characteristics and special qualities of the area in which the development is proposed; and contributes positively to local distinctiveness, historic environment and sense of place.

The replacement timber kiosk proposed will have a design which replicates the existing kiosk with a small increase to the footprint. The height and layout will be as existing and as such will assimilate into its setting without detrimental impact.

The site is situated within the Ilfracombe Conservation Area and in accordance with Policies DM07 and ST15 consideration is given to the impact of the proposed development upon its historic setting both of which have as a fundamental objective that proposals will be supported which conserve and enhance heritage assets and their settings.

The main planning issue is therefore whether the proposed replacement kiosk and extension to the pedestrian access achieves these aims.

The Heritage and Conservation officer has been consulted regarding this proposal and the comments are as follows:

“I am happy to support this application, which relates to the crazy golf course in the heart of the Ilfracombe Conservation Area. I have had discussions with the applicant previously, and outlined the need to protect the stone walls surrounding this part of the Victoria Pleasure Grounds. We did agree that the existing access could be widened, however, to allow pushchairs and wheelchairs easier access.”

In view of the Heritage and Conservation Officer’s support it is therefore considered that the proposal will not be detrimental to the setting and as such is considered compliant with the above NDTLP policies, the statutory duties referred to above and the NPPF.

Amenity

Local Plan Policy DM01 Amenity Considerations is relevant and is supportive of development where it would not significantly harm the amenities of neighbouring occupiers.

The site is situated within Ilfracombe town centre and is open during the seasonal holiday periods. The proposal retains the use as existing and the development is of a minor nature and is situated at some distance from residential occupiers and as such is considered to be in accordance with policy DM01 of the NDTLP.

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).

The proposal seeks to replace a timber kiosk with a similar structure over an area of hard standing and extending an existing entrance. The works are minor and will not impact upon any existing habitats. In view of the minor nature of the works it is not considered a formal net gain is required in accordance with Policy ST14.

Flood Risk and Drainage

The site is situated within a Critical Drainage Area and flood zones II and III. The site is subject to flooding during periods of heavy rain which settles to the rear of the site which has resulted in the existing kiosk rotting and needing replacement. The proposal seeks to provide a new concrete base with a channel in the concrete to collect run-off and direct it to soft landscaping within the site to drain away.

The development at the site replicates existing with improved run-off management which is in accordance with Policy ST03 of the local plan and as such flood risk and drainage is not considered to be a constraint.

Conclusion

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:

NDC001A Location Plan received on the 09/08/24

NDC002A Existing - Proposed Block Plan received on the 09/08/24

NDC003A Kiosk Existing - Proposed Floor Plan received on the 09/08/24

NDC010A Kiosk Proposed Elevations received on the 09/08/24

('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 external finishing materials to be used for the replacement kiosk and alteration to the boundary wall hereby approved shall match those existing.

Reason:

In the interests of the appearance of the development and locality in accordance with Policy DM04 and DM07 of the North Devon and Torrington Local Plan.

Informatives

1. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, <http://planning.northdevon.gov.uk/search.asp>

2. 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.