

Application Report

Strategic Development & Planning
Place Services

North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	66688	Application Expiry:	10 July 2019
Application Type:	Full application	Ext Of Time Expiry:	
		Publicity Expiry:	20 June 2019
Parish/Ward:	Ilfracombe : Ilfracombe West		
Location:	Former Railway Line, Slade, Ilfracombe, Devon, EX34 8RH		
Proposal:	Installation of one 10m length of demonstration railway track.		
Agent:	Tree Tops Planning		
Applicant:	Mr Richard Heacock		
Planning Case Officer:	Mr. K. Bines		
Departure:	N		
EIA Development:	N	EIA Conclusion:	
Decision Level/Reason for Report to Committee :	The site of the application is owned by the District Council.		

Site Description

The site is located to the west of the footpath/cycleway which runs from Ilfracombe towards the former Morteohoe Station site along the former railway line.

The site is located high on the side of the Slade Valley.

Recommendation:

Approve

Planning History

It is considered that there is no relevant planning history.

Constraints/Planning Policy

Area of Special Advert Control

LCT: Main Cities and Towns - The Cairn, Ilfracombe - Landscape Character Area:
 Coastal Slopes and Combes with Settlement
 Chivenor Safeguard Area:
 Footpath
 Unclassified Road

ST03 Adapting to Climate Change and Strengthening Resilience
 ST04 Improving the Quality of Development
 ST07 Spatial Development Strategy for Northern Devon's Rural Area
 ST10 Transport Strategy
 DM01 Amenity Considerations
 DM04 Design Principles
 DM05 Highways
 DM08 Biodiversity and Geodiversity

Consultees

Name	Comment	Date
Parish / Town Council	Recommendation & with no adverse comments, this application was moved for Approval and with all members in favour the motion was carried.	19 June 2019

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
	4			

The 4 letters have been submitted are in support of the application.

Considerations

Proposal Description

This application seeks detailed planning permission for the installation of one 10m length of demonstration railway track.

Planning Considerations Summary

- Principle of development
- Design
- Amenity
- Highways
- Ecology
- Critical Drainage Area

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.

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

Principle of Development

The site is within the countryside outside of any recognised settlement where development is limited to that which meets a local economic and social need or is necessarily restricted to a Countryside location.

The footpath/cycleway is a Heritage Trail which interprets and describes the route's former railway use. This proposal is seen to add to this approach and to contribute to the trail as part of the tourism offer and the understanding of the heritage of the locality.

The proposal is therefore considered to accord to Policy ST07.

Design

The proposal would consist of one panel of standard gauge railway track where the sleepers on which the rails would sit would be 2.6m wide with the whole panel sat on ballast. There would be ballast shoulders at either end of the panel which would take the overall footprint to 10.3m x 3.6m.

The panel would be sat along the original alignment of the up line of the Ilfracombe to Barnstaple railway.

The design would be that which matches that of the former railway line and given the overall context of the footpath cycleway following the down line alignment this is considered appropriate.

The proposal is therefore considered to be in accordance with Policies ST04 and DM04.

Amenity

There would be no impact on the amenities of any neighbouring use as a consequence of the development which is passive in its nature.

The nature, scale and distance from dwellings would preclude the need for a Construction Management Plan.

The proposal therefore complies with Policy DM01.

Highways

The panel would sit adjoining, but separated from the footpath cycleway and would not present any additional dangers to the users of this, or impact on its operation.

The proposal is therefore considered to be in accordance with Policies ST10 and DM05.

Ecology

The footpath/cycleway is bound for its length by substantial woodland, including the up alignment. The site of the proposed panel is, however clear of any trees and is currently occupied by brambles, grass and other non-protected species of flora.

The Wildlife Trigger List also does not identify any potential impact on any habitat or species.

It is considered that there would be no ecological value to the site and therefore, given the proposals overall scale, that it is in accordance with Policy DM08.

Critical Drainage Area

The site is located within the Ilfracombe Critical Drainage Area where there is a requirement to reduce the surface water flows off the site below greenfield rates. This proposal is very small scale but is proposing to provide a ballast base which would act as a surface water break, thus reducing the run-off rate.

The proposal therefore complies with Policy ST03.

Conclusion

The application is considered to accord with the adopted development plan and there are no material considerations to outweigh this. 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

Recommendation

Approve

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:
NDC004 and received on the 22/05/19, NDC002 and received on the 22/05/19, NDC003 and received on the 22/05/19
(‘the approved plans’).

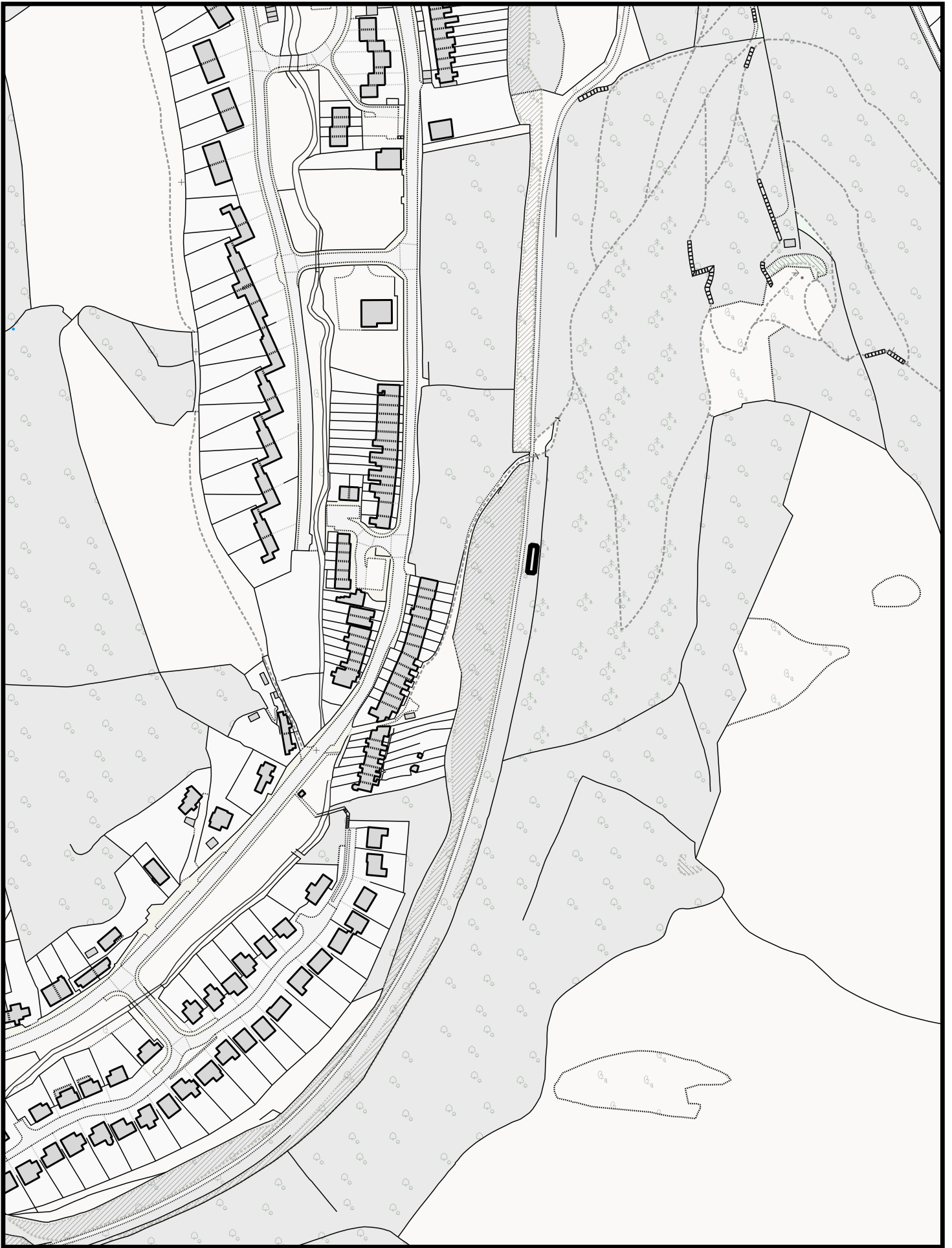
Reason:

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

Inserts

O.S. Location Plan

List of representations names & addresses



Lynton House, Commercial Road,
Barnstaple, EX31 1EA

66688 - Former Railway Line, Slade, Ilfracombe

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Committee Report

Scale: 1:2500
Date: 14 August 2019

Neighbour Representation List for Application 66688

4 REPRESENTATIONS OF SUPPORT

DANIEL IANNONE	2 TADDIPORT GREAT TORRINGTON DEVON EX38 8AT	Date Received 02-June-19
LEWIS DANIELS	THE EARLSDALE 51 ST BRANNOCKS ROAD ILFRACOMBE EX34 8EQ	Date Received 02-June-19
BARRY NICHOLLS	3 REGENCY APARTMENTS TORRS PARK ILFRACOMBE EX34 8AZ	Date Received 02-June-19
BARRY HODGSON	2 ST BRANNOCKS WELL CLOSE BRAUNTON EX33 1BE	Date Received 02-June-19