

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 2484/18/LBC

Agent/Applicant:

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Site Address: 1 Old Coastguard Cottages, Wembury, PL9 0EJ

Development: Listed Building Consent for construction of a new quay to improve access

Reason item is being put before Committee: Cllr D Brown called this application to committee having regard to the potential impact on the coastline and the AONB



Recommendation:

Conditional listed building consent

Conditions

1. Time
2. Accordance with plans

Key issues for consideration:

- Impact on the curtilage listed quay structure
 - Effect on the setting of the listed boathouse and Coastguard Cottages (all grade II)
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Site Description:

No.1 Old Coastguard Cottage forms part of a terrace of four dwellings located on the south (Wembury) side of the River Yealm, almost opposite the Yealm Steps/pontoon on the Newton Ferrers side. It is noted that all the cottages are used as holiday lets/second homes. The Coastguard Cottages are only accessed by foot on the Wembury side down a coastal track or by boat from the Newton Ferrers side. The Cottages are also grade II listed, although noted that the list description states there are 3 it is clear from the description that the whole row comprises the designation, (copied in italics below for reference). Below the cottages on the foreshore edge is a Grade II listed boathouse and steps leading down to the foreshore, both of which are not within the ownership of the applicant. The applicant owns the section of land between the steps and the boathouse but must maintain rights of access to the boathouse to the owner cottage nos. 2 – 4.

Within Area of Outstanding Natural Beauty, Undeveloped Coast and SSSI.

Row of three coastguard cottages. Early C19. Stone rubble. Low pitched slurred slate hipped roof. Two storeys. Long seven window range. Left hand one window bay set back. Horizontally sliding sashes with glazing bars. Only one doorway with hood on brackets and with glazed door. The other doorway is now a window. The third door has a wooden porch in the angle of the set back. Three rendered chimney stacks at the ridge.

The Proposal:

Construction of a new timber quay to improve access, 7.8m long by 2.6m wide on seven x 0.9m high timber posts attached to the revetment slope.

Materials: GRP fibregrid floor, timber nosing, steel shoe and steel rods into stone quay, timber material of posts

Consultations:

- Wembury Parish Council: no objection to LBC, but a structural survey is necessary to ensure that the proposed works do not affect the original quayside structure.
- Newton and Noss Parish Council: Objection
Adverse impact on waterfront, listed buildings and heritage site, would create deck rather than a quay.
- Georgian Group: Objection
Lack of justification on need to improve access given applicant has rights of access over stepped jetty, and the height of the proposed quay would render it unusable, and its foundations would harm the heritage asset.

Representations:

18 letters of objection received on the following grounds:

- Unspoilt surrounding of listed attributes character and enjoyment of the area
- Out of keeping development, eye sore
- Too high above high tide mark
- Cottage currently has ample access
- Changing the outhaul and position on foreshore will make necessary access improvements
- Would change an iconic view
- Platform could only be used at high spring tide
- Platform would be used for sunbathing
- Within West Devon AONB
- No mention of the use of the quay in relation to tidal movement
- No details of structural integrity of the proposal
- Within curtilage of Grade II listed buildings
- Marine engineering works should be treated as Grade II listed
- The proposal would not enhance the local area
- During a storm and a high tide the structure will put significant additional loads on the historic quay
- If permission is granted, a condition should insist on watertight joints to protect the engineering works
- The change in material of the proposed quay to GRP grid will increase the upward force from wave and wind during storms. The footings needed to anchor the quay will undermine the stability of the historic quay and walls.
- The storage of boats for No.1 Coastguard cottage has already been vertically against the high wall
- These buildings and the cobbled armoured wall are a historical record of an early 19th century Coastguard station and are an important part of maritime history both in the Yealm and nationally
- Fibregrid surface will be inappropriate in this location
- A steel ladder is needed on the quay to increase its use on lower tides
- Access should be given to all cottages users to the new quay
- The quay will collect seaweed which will rot and attract vermin and become a health hazard
- The quay would impede usage of the existing steps

Comments in response to Nash Maritime report:

- The report is not independent as commissioned and doctored by the applicant
- Omitted a discussion on use in relation to the tide
- Even at the top of a neap tide there would be a 2m gap to the top of the deck, at the top of spring tide there would still be a gap of 0.6m.
- the report has not attempted the standard risk analysis approach of quantifying and comparing the risk of the future proposal
- All results fall within ‘As Low As Reasonably Possible (ALARP) range or less’ which “means that they are acceptable, but some risk reduction should ideally be put in place. But the risk score is calculated using the currently rigged outhaul scheme which has been shown can be re-rigged to improve its use.
- Nash Maritime formed on 30 October 2018 at the time the report was commissioned, and the website says ‘under construction’

4 letters of support on the following grounds:

- Photos should foreshore is covered in seaweed and access is dangerous during a high tide
- Previous rentees of no.1 concerned about dangers of access
- Sympathetic to the surrounds
- There are a number of newer quays which provide improved access to the other cottages

1 general comment on the following grounds:

- Works require a MMO licence

Relevant Planning History

- 3078/17/FUL- Construction of a new quay to improve access, withdrawn
- 0038/15/PRH - Pre-app enquiry to 1. restore external door and 2. timber decking to existing quay. Officer support given.

ANALYSIS

The Coastguard Cottages are listed as a single item as is the boathouse, both at grade II. The sloping revetment has been considered for listing by Historic England but was assessed not to be of sufficient historic interest to merit individual designation. We have, however, treated it as curtilage listed to the Cottages which, to the best of our knowledge, at the time of listing were in a single ownership with the revetment being shared. This judgement is based on the latest Historic England guidance.

In accordance with our policies, the Planning (Listed Buildings and Conservation Areas) Act, 1990 and the NPPF the heritage assessment has taken on two main considerations. Firstly the impact of the proposal on the character and significance of the revetment itself as a heritage asset and secondly the effect on the significance, special interest and setting of the designated heritage assets, (the cottages and the boathouse).

1. Impact on the revetment as a curtilage listed heritage asset

The quay wall / revetment was not an original feature. It appears it was added in the later 19th or early 20th century. It is of less significance than the designated structures but is part of the ensemble and contributes positively to the historic character of the site.

The revised design has reduced the apparent bulk and the height of the proposed structure. It will be attached to the rubble stone revetment which will involve some small amount of intervention and, therefore, harm to the historic fabric. The structural attachment involves the use of minimal contact with rods resin set in holes drilled into the structure and steel shoes within which the timber posts will be set. This has minimised the physical harm as far as possible. The other minor physical changes required do not amount to harm that would warrant refusal as the works can either be undone in future or would leave so little trace as to be of minimal consequence.

The profile of the stone revetment structure will remain intact so there will be no permanent change to the historic fabric. The new structure could be fully removed and the drilled holes filled in future should it prove to be no longer needed.

The appearance of the historic revetment will be altered, there is no doubt in that. It will, however, remain entirely legible what has happened even on a most casual inspection.

2. Effect on the Coastguard Cottages and Boathouse

The special interest of the Coastguard Cottages and their associated boathouse lies in their being designed and located in a position to facilitate observation (from lookouts on Warren Point) of water activity with direct access to it to facilitate management and assistance when needed. This highly particular focus on marine activity is integral to the significance of the group and is emphasised by the very relevant reality that the properties can only be accessed by water.

The proposed quay is intended solely to enhance the accessibility of the property. The design is clearly indicative of that purpose so it can be seen as an evolution of the fundamental relationship of people using the property with water craft. It is reasonable to conclude that the introduction of an improved quay structure does not of itself cause harm to the significance or special interest of the designated heritage assets so long as it is clearly designed to perform that function and nothing more.

The setting issue and discussion of principle are more fully covered in the associated planning application report.

For the purposes of the listed building consent the main issue is the physical impact on the curtilage listed structure.

The use of waterside buildings and quays changes over time and this progressive evolution is visible in Newton and Noss as elsewhere. This nearly always results in a degree of harm but seldom to the point that a locality appreciated for its beauty is considered to have lost that charm.

The relevant Neighbourhood Plan policy states, ‘Development proposals are required to not have a significant adverse impact on designated and non-designated historic and heritage assets and their settings....’ The harm assessed for this proposed development is not considered to amount to ‘significant adverse impact’ and is, therefore, judged to meet the aims of the Neighbourhood Plan.

The most relevant para’s of the NPPF are:-

NPPF 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.....

NPPF 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Conclusion and recommendation

Assessment of the proposed development leads to the conclusion that the proposal will result in very minor harm to the fabric of the quay / revetment and some small harm to the setting of the heritage assets, but not to their special interest. The harm to the significance of the designated heritage assets is certainly ‘less than substantial’ and relates almost entirely to impact on setting. The level of harm can be considered justified if it secures public benefit, which includes supporting the optimum viable use of the property and delivering enhanced accessibility for a greater proportion of the population.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004, with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This application has been considered in accordance with Sections 16, 17 and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP6 Historic Environment

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

NPPF

189, 190, 192, 193, 194, 196

Wembury Neighbourhood Plan

No plan at present

Newton and Noss Neighbourhood Plan

N3P-8 b)

'Development proposals are required to not have a significant adverse impact on designated and non-designated historic and heritage assets and their settings. This shall include the setting and waterfront of Bridgend.'

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.