

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Dartmouth **Ward:** Dartmouth and East Dart

Application No: 3964/18/HHO

Agent:

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9 Duke Street
Dartmouth
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Applicant:

Mr Nick Royle
The Boathouse
South Town
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TQ6 9BU

Site Address: The Boathouse, South Town, Dartmouth, Devon, TQ6 9BU

Development: Householder application for construction of external access lift, associated bridge link and other external works

Reason item is being put before Committee: Part of the application site is on land owned by South Hams District Council



Recommendation: Conditional approval

Conditions (list):

- Standard time limit
- Accord with plans
- Construction Management Plan- prior to commencement
- Details of lighting- prior to installation of lift car
- Lift car to return to lower level after use
- Details of gate/access- prior to installation

Details of materials/finishes- prior to installation
Any works to boundary wall to match existing wall

Key issues for consideration:

Principle of development, neighbour amenity, landscape impact (AONB), heritage (Conservation Area & setting of listed buildings)

Site Description:

The site is located to the south of Dartmouth town centre, with pedestrian access taken from South Town. The Boathouse is a two storey dwelling house sited adjacent to the River with the property cut into the steep hillside with pedestrian access via 72 steps from South Town within the existing stone boundary walls. To the north west of the property is the Council owned land of Manor Gardens. The property is sited within Dartmouth Conservation Area and the South Devon Area of Outstanding Natural Beauty (AONB).

The Proposal:

The proposal is for the construction of an external SERAPID chain lift. This would consist of a supporting steel frame and glass lift car, entered from a bridge extending out from the existing eastern boundary wall at the entrance end of Manor Gardens. The lift car runs up and down the steel frame, with no lift shaft or tower required.

The bridge would be an L-shaped structure, running approximately 4.5m north-south along the existing stone boundary wall of the Gardens, then extending 3.5 metres in length out from the Gardens, standing nine metres above the ground level of the Boat House. It would be constructed by removing a two metre section of the existing stone wall and hedge. Stone pillars would be rebuilt at each end of this space, with a gate installed to prevent public access onto the bridge for safety and security purposes. To account for the varying ground level, five steps would be constructed from the existing ground level down to the gate.

From the gate, there would be an additional step down to the bridge. The bridge itself would be constructed in timber boarding with 1.2m high, painted black metal railings.

Consultations:

- County Highways Authority- no comments
- Heritage: no objection (full comments in analysis)
- Town Council: *'Recommend refusal on the grounds that development would cause a loss of amenity, is an overdevelopment and would be setting a precedent.'*
- Landscape: no objection (full comments in analysis)

Representations:

The plans originally submitted as part of this application received 88 objections. The reasons for objection were generally the same in the vast majority of these letters, which can all be seen in full on the Councils website. Since then the application has been revised several times and the plans re-advertised each time. In total, 149 objectors have submitted 255 letters of objection (many have written in multiple times), (figures correct as at 26th Feb 2020). The objections can be summarised as follows:

- Will affect appearance of public garden
- Impact on Conservation Area with no public benefit
- Applied for previously and turned down
- Out of character with surrounding area
- Will create an eyesore from all views
- Only required to improve access to holiday home and increase owners income
- Interrupts river view from neighbouring homes
- Design and materials too industrial, light will reflect, it will be difficult to keep clean
- Sets unwelcome precedent
- No details on location of lift controls, possible noises, lights, etc
- Properties already have level access via the water
- Blot on the landscape within an AONB
- Glass and steel construction not in keeping with historic surroundings
- Cuts into public space, not acceptable to removed only seating and viewing area between the town and the benches at Warfleet
- Tower would be overdominant and unnecessary
- Removal of stone wall and hedge will be to the detriment of the Gardens
- Property was purchased within current access, owners should move if this is no longer suitable
- Overdevelopment of the site
- Dartmouth is full of steps, public realm should not be expected to facilitate access to private residences at the expense of the landscape
- Allowing access through the Gardens would ruin their enclosed feeling, and would appear as a corridor to the bridge rather than public space
- Stepped access is an attractive feature of this area of Dartmouth
- Will affect setting of nearby listed buildings
- Plans and images submitted do not represent true impact
- No reason why applicant can't just rebuild steps to make them more accessible
- Waterfront properties are expensive but not ostentatious, accesses all blend together well
- No reference to lift passenger safety or access for rescue in case of emergencies
- Justification that it meets Building Regs M is irrelevant as this only relates to new builds
- Existing liftshaft at Riverhouse should act as a warning about granting further permissions
- Submitted plans are poor quality
- Riverfront has been overdeveloped and now looks 'full'
- Southtown Road should be kept open for local and general traffic at all times
- The lift does not reach road level and still leaves steps to be climbed, so does not provide disabled access
- Planning decisions should not be made with personal circumstances in mind, these are temporary whereas the development will be permanent
- Maintenance would not be easy due to position, steel will soon rust
- Applicant should provide an outline engineering design
- Grounds for refusal of previous application still apply
- Noise/light pollution from the lift
- Impact upon popular walk to the castle
- The financial implications for the Council create a conflict of interest

Relevant Planning History

- 1652/18/PRH - Pre-application enquiry for proposed lift access to dwelling from Manor Gardens- partial support

- 0096/17/HHO - Householder application for construction of external access lift, associated bridge link, and other external works- refusal
- 0275/16/PRH - Pre-application for new lift access to dwelling- officer support
- 15/1899/14/F - Householder application for extension to balcony and repositioning of access stair- conditional approval

ANALYSIS

Principle of Development/Sustainability:

The site is located within the centre of Dartmouth, where the principle of sustainable development is supported subject to all other material considerations. The proposed works have a small footprint when considered against the overall size of the site, and are therefore not considered to represent overdevelopment of the site.

Two properties in the area already have planning permission for lift shafts, the immediate neighbouring property of Riverhouse, a modern dwelling that was granted planning permission with similarly design lift tower and Lidstones (the 6th property to the north site) where a lift shaft was approved under planning approval 15/3219/14/F. The principle of providing lifts has therefore previously been accepted in the area but each case must be considered on its merits. The cumulative impact of these developments is now also a relevant consideration.

Design:

The design has been amended throughout the course of the application. Originally the platform was proposed to have a glazed balustrade in a more contemporary style, which was considered by Officers to be out of place against the traditional vernacular of Manor Gardens and South Town behind the site, so this was amended to black railings.

Many objectors refer to 'the industrial style lift tower', and suchlike. Officers must clarify that there is no tower structure proposed, and do not consider that the proposed materials would appear industrial, but would be in keeping with the vernacular of the surrounding landscape. The steel framework of the lift could be considered to have an industrial appearance, but this would be obscured by the dwelling, or its position against the large stone wall (depending on your viewpoint), and would not be visible from Manor Gardens.

Although the use of the glass lift car is considered to be appropriate to minimise its visual impact when in use, the use of light within the car could potentially be fairly prominent. Officers therefore recommend a condition requiring details of lighting along the bridge and within the lift car to be approved by the LPA prior to the use of lift. This will allow the specific lighting details to be properly assessed.

The current design is considered to be a great improvement on previous iterations. The black railings are less prominent than glazing against the historic background of this part of Dartmouth, and would blend into the large stone wall behind when viewed from the river. Although it is acknowledged that the lift car would appear out of place when at the bridge, this could be controlled by a planning condition, requiring the lift car to return to the lower level of the house when not in use, to alleviate this impact.

On balance, the design is considered to be acceptable, given the use of the more traditional materials now proposed, and the mitigation of the impact of the lift car by defaulting its position to the bottom of the site. These aspects of the proposed would be guaranteed by relevant conditions.

Landscape:

The Council's Landscape Specialist has previously objected to the proposal. The applicants have revised the design to address these objections, including amending the bridge design, which was previously more of a dog-leg design extending further out from the Gardens, and amending the balustrading to a more traditional design. The landscape objection has now been withdrawn, subject to recommended conditions which will be applied to any approval. The full landscape response is as follows:

'Landscape comments were made on earlier iterations of this proposal, raising concern over the scale, materials palette, and visual intrusion of the proposed development. The amended scheme follows discussion with officers, and now represents what is considered to be the most sensitive design solution for the site in terms of scale, layout and the use of locally appropriate traditional railing. The proposed configuration would limit the visual intrusion from the viewing area to a negligible extent, such that it would not form an intrusive or prominent structure, and will read well alongside the existing railings (of varying styles) present in the view. Similarly when viewed from the water, the structure will not protrude into or interrupt views, reading well alongside existing structures locally.

For the reasons outlined above, the proposals would be considered to conserve the character and natural beauty of the AONB, respecting and maintaining an important local view. While the scheme does not offer an enhancement to the AONB, given the small scale of the proposals and having regard to the built context of the site (including a number of railing features) the proposed development could not reasonably offer an enhancement. Overall therefore I would consider Policy DEV25 to be met, and would withdraw my objection.

If you were minded to recommend approval of the application, please condition details and finish of the railings, in the interests of the character and appearance of the local area and the AONB.'

As such, the landscape impact of the proposal is now considered acceptable, and in accordance with policies DEV23 and DEV25 of the JLP.

Heritage:

Officers are mindful that the site sits within the adopted Conservation Area and as such, under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Officers are bound to ensure that *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*. The revised plans have therefore been assessed by the Council's Heritage Specialist, who offers no objection to the proposal, commenting as follows:

'The Boathouse has at its core a heritage asset in the form of the historic 18th or 19th century boathouse and is within the Conservation Area. Although it has some modern extensions it does have positive heritage qualities. It is possible that in future some of the later accretions could be improved and better reveal the historic core.

There are steep steps down to the dwelling, which make accessibility challenging and can be slippery and dangerous. Para.91 of the NPPF requires the promotion of healthy, inclusive places which are safe and accessible. Any occupier could at any time be faced with either permanent or temporary mobility constraints which would render use of the building very difficult if not impossible. Refusing to allow enhanced access via the proposed lift, the likelihood of the request to knock the dwelling down and replace it in the future can only increase, at which point Building Regulations would require the installation of a lift as occurred on the neighbouring property. From a heritage perspective, there is no objection to the proposal for the following reasons:

- *The negotiated scheme is mostly visible from the river. Those views are of a mosaic of townscape composed of various buildings and structures some of which are positive, others negative or neutral. Townscapes evolve over time to meet changing needs and the acknowledgement of the need for better accessibility is part of modern life.*
- *The proposal would reduce the likelihood of the site being redeveloped with the loss of the heritage asset at its core.*

- *Making the building more accessible for a greater percentage of people is a public benefit of the scheme. Any slight 'less than substantial' negative impact on the Conservation Area and the setting of listed buildings can, therefore, be justified.*
- *The harm of the current proposal is much less than the original as a result of positive negotiation and the adoption of a different technical solution.*

On balance I am satisfied that there are public benefits here including securing the ongoing survival and use of a heritage asset which contributes positively to the character of the Conservation Area.'

In the light of the above consultation response from the Council's Heritage Specialist, and when viewed in the planning balance, Officers are satisfied that the development proposed would preserve the character and appearance of the identified heritage assets, as required by Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, as well as policy DEV21 of the Joint Local Plan, and the NPPF.

Neighbour Amenity:

The bridge extending out from Manor Gardens would be noticed from neighbouring dwellings, but this impact is not considered to be unacceptable to other properties given the existing built form surrounding them. The waterfront properties neighbouring The Boat House already experience a significant degree of overlooking by virtue of their position below Manor Gardens, a place which is designed for people sit, or stand and enjoy the views out over these dwellings.

Whilst people using the bridge to reach the lift may have an additional view of neighbours, it would be used in a transitional manner to access the property, rather than as a place to spend prolonged periods of time. The impact on these neighbours is therefore not judged to be significant enough to warrant a refusal on this basis, when considering the level of amenity currently within the locality.

Highways/Access:

No vehicular access is proposed to the site, and there are no changes to the existing highways arrangement. Given the location of the site and access issues, Officers would suggest that a condition requiring a Construction Management Plan to be submitted prior to the commencement of development would be necessary as part of any planning approval to ensure that the impact of the works on the highway and the public gardens are mitigated.

Objections:

Many of the reasons for objection received, such as landscape impact, heritage impact, design, etc have already been mentioned within the report, but outstanding comments can be addressed as follows:

- *Impact on views:* There is no right to view, and so the impact that the proposal would have on views from neighbouring dwellings is not a material planning consideration.
- *The Boat House is a holiday home and this is only to boost income:* This is not a material planning consideration.
- *Sets a precedent:* There are already lifts nearby, including at the property next door. However, each application is judged on its own merits.
- *Lift shaft at Riverhouse should act as a warning:* Each application is determined on its own merits. There is no tower or lift shaft proposed at the Boat House, unlike the neighbouring lift tower.
- *No details on noises, lights, controls, maintenance access:* Given that the lift car would be glass, Officers would suggest a condition requiring details of any lighting to be submitted prior to installation if Members were minded to approve the application. If any disturbance was created by the noise of the lift, this could be investigated by Environmental Health in the future.

- *Cuts into public space, the gardens should not be modified to suit a private house:* The public space is owned by South Hams District Council so any works within this space would have to be discussed and agreed by the Council Assets Team. The proposal would grant an easement for use of the land to access the lift bridge, rather than physically removing any areas of open space. Apart from the access to be created, there are no other works proposed within the Gardens themselves and so they will largely be unaffected.
- *Owners should move if the site is no longer suitable/steps should just be rebuilt/Dartmouth is full of steps:* It is not the role of the Planning Authority to assess whether or not the proposal is needed, Officers can only judge the planning merits of what it is proposed and whether it is acceptable in policy terms.
- *Plans do not represent true impact and are poor quality:* Officers are satisfied that the submitted plans are acceptable.
- *Previous grounds for refusal remain the same:* Officers have considered the current revised proposal and made a recommendation in line with current local and national policies. It should be noted that although various objections claim that the proposal has been refused multiple times, there has only been one refusal on the site, in 2017, for a lift tower.
- *There will still be steps so it does not provide disabled access:* It is not a requirement of a householder application, and private residential development, to provide disabled access to the property.

Many objections make reference to a lift tower or shaft. For clarity, there is no tower proposed, the only built structure at the top of the site, just below the ground level of Manor Gardens, is the bridge.

Council interest in the land:

The proposal would require access to the bridge to cross Council-owned land at Manor Gardens, and the removal of part of the stone boundary wall to create the access to the bridge. Negotiations about how this is would be carried out have been undertaken with the Councils Assets Team, and are not material planning considerations. The Case Officer has not been part of these discussions, which have no bearing on the decision recommendation. Due to this aspect of the proposal the decision will be taken by planning committee in the public arena rather than at officer level in line with the approved scheme of delegation.

Conclusion:

The application has been revised several times, and the current design has overcome the earlier objections from Heritage and Landscape. The use of traditional materials would help the development to assimilate into the surrounding built landscape, and Officers are satisfied that the proposal would not harm the immediate landscape or wider AONB setting. Details such as lighting, method of construction, and materials finishes can be addressed through the recommend planning conditions, and as such, the application is considered to be acceptable and recommended for conditional approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

The site is within the Dartmouth Neighbourhood Plan area, although this plan is not yet at an advanced enough stage that it can be given weight in the decision-making process.

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.

Recommended 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: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the Site Location Plan (3439.50.A) received on 17th December 2018, and drawing numbers 3439.20.F, 3439.21.D, 3439.40.D, 3439.41.D, 3439.42.D, and 3439.43.D received by the Local Planning Authority on 16th December 2020

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to

13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;

(f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(i) hours during which no construction traffic will be present at the site;

(j) the means of enclosure of the site during construction works; and (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);

Reason: In the interests of public amenity and highway safety.

4. Prior to the installation of the lift car, details of any external lighting (including security lighting) on the bridge, and lighting on or within the lift car shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the area.

5. The lift car hereby approved shall be programmed as to return to the lower level of the site (as shown on drawing number 3439.41.D) when it is not actively in use.

Reason: To minimise the impact of the proposal on the amenity of Manor Gardens and the local landscape.

6. Details of the proposed bridge access gate, including materials, finishes, and design, shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To protect the appearance of the public gardens.

7. Prior to their installation details and samples of all external materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

8. Any works to the boundary wall of Manor Gardens to the west of the site shall be carried out in natural stonework to match the existing walling. The stonework shall be maintained in its natural state and shall not be rendered, colourwashed or otherwise treated without the prior consent in writing of the Local Planning Authority.

Reason: In order to retain the character of the gardens.