

Case Officer: D Kenyon

Site: St Johns Ambulance Association, College Way, Dartmouth, TQ6 9NN

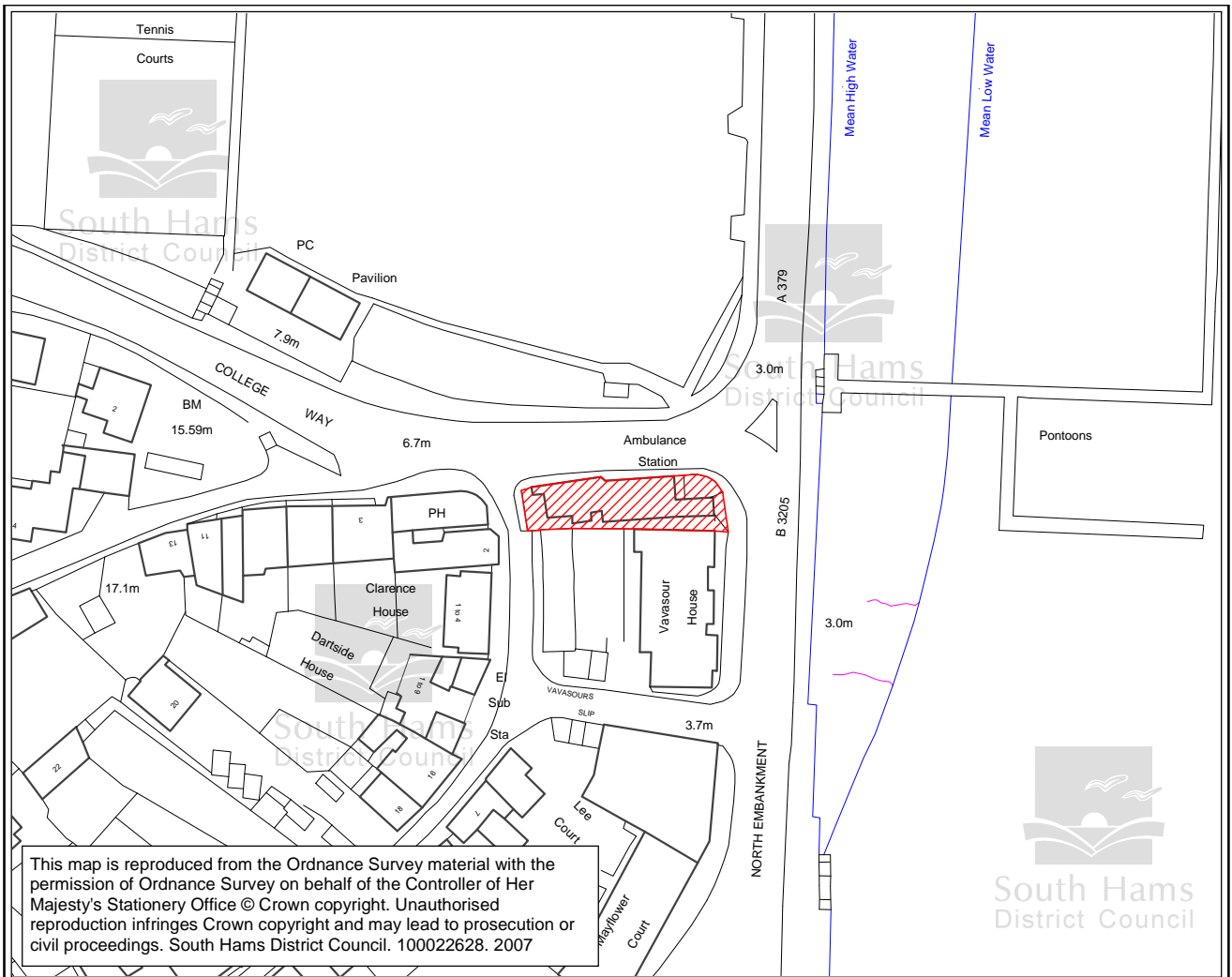
Application No: 15/2492/07/F

Date Received: 22nd November 2007

Agent: Andrew Smith Architects Eastgate House South Street Totnes Devon TQ9 5DZ

Applicant: Hayne Ltd

Development: Resubmission of planning application 15/0455/07/F for demolition of existing buildings and erection of 6 no. flats and associated parking



Scale 1:1250
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Policies

Development Boundary
Area of Outstanding Natural Beauty
Within 50m of a Conservation Area
Affecting Setting of a Listed Building

Consultations

Devon County Council – County Highways Authority
No objection in principle but concern raised about inadequate number of proposed parking spaces

South West Water
No comments

Environment Agency
No objections subject to conditions about finished floor levels and submission of a scheme for surface water drainage works

Environmental Health Section
No objections subject to conditions relating to contaminated land investigation

Landscape Manger
No objections subject to open space, sport and recreation contribution

Conservation & Design Officer
No objection subject to conditions about materials

Devon County Council (Education)
No education contribution required as both the primary and secondary schools in the area currently have sufficient capacity for the number of pupils a development of this size may produce

Town Council

Dartmouth Town Council made the following observations:
Refusal – visual impact, overdevelopment, unneighbourly and out of keeping with neighbouring properties

Letters of representation are available to view on the Council's website
Supporting information is attached to this agenda report

Case Officer Report

The Proposal

The proposal is for the demolition of an existing building and the erection of a mixed four and three storey building, comprising 6 flats and 6 parking spaces. Four 3 x bedroom flats are within the eastern four storey part of the new build and the parking spaces and two 2x bedroom flats are within the western three storey part of the building. The main entrance, a lift shaft, and stairs around the lift shaft form the central component of the development proposal.

The site lies on the junction of North Embankment and College Way with Clarence Street to the rear. It abuts the 4-storey high Vavasour House which fronts onto North Embankment. The proposed new building covers virtually the whole of the application site and is of a contemporary style, including a curved “tower” element at the corner of North Embankment and College Way. External Walls are rendered panels, fibre cement weatherboard and timber panelling; the roofs are lead/zinc sheeting; and aluminium windows and doors.

The height of the proposed building has partly been derived from the site falling within a flood risk zone. A Flood Risk Assessment for the site has been submitted as part of the planning application which identifies the minimum level at which finished floor levels of all residential areas should be set. The four storey element is some 13.8m high. The circular “tower” element is about 14.8m high to its ridge. These elements are about 0.7m and 1.7m respectively higher than the adjoining Vavasour House. The central component (main entrance and lift shaft) is about 1.8m higher than Vavasour House. The 3-storey element on the western part of the site is about 2.2m lower than Vavasour House.

Balconies and main living rooms windows serving the flats have been positioned on the North Embankment and College Way elevations to take advantage of the river views and views of Coronation Park and the Naval College to the north and north west. On the western elevation onto Clarence Street, each of the two flats has a “bedroom 2” window and at the junction of College Way and Clarence Hill there are curved “corner” windows serving each of the flats. On the southern elevation facing onto the courtyard and parking spaces behind Vavasour House, the only windows to be provided serve the internal stairs around the lift shaft and hallways of the two flats in the 3-storey element. Other windows in this elevation serving the flats within the 4-storey element are kitchen and bathroom windows fronting onto the gable end of Vavasour House.

The six parking spaces are within the western 3-storey element of the new build beneath 2 flats on the upper floors. Access and egress is onto College Way. Internal turning space has been provided to aid manoeuvrability within the new build thereby avoiding the need to reverse onto the County Highway.

The agent has submitted a design statement clarifying the reasoning behind the design and proposed use, together with submitted plans and elevations. These are on the Council’s planning website and are available for Members’ perusal and consideration prior to the Committee meeting.

Description of the Site and Its Surrounds

The site lies within the development boundary of Dartmouth and is bounded to its east, north and west by North Embankment, College Way and Clarence Street respectively. It is prominently located within the streetscene close to the River Dart and Coronation Park to the north.

Immediately abutting the site to the south lies a 4-storey building known as Vavasour House, comprising 12 flats, which was built during the early 1980’s following a grant of detailed planning permission in November 1979. That grant of planning permission was in fact for 16 flats – the other four flats were granted permission to be erected on the current application site as part of, and physically attached to, the overall Vavasour House build, but this part of the permission has not to date been implemented. Instead, the application site remains occupied by several single storey buildings of varying heights. Originally, these buildings

formed the local ambulance station but are now used for garaging, storage and a small office/retail use.

To the west of the site, there are a range of 3 & 4 storey buildings fronting Clarence Street of varying ages. These buildings are used for residential purposes, except for the “Ship In Dock” public house at the corner of Clarence Street and College Way and which is a Grade II Listed Building.

The application site lies outside of, but within 50m of, the Conservation Area to the south and, along with the rest of this part of Dartmouth, is within the South Devon Area of Outstanding Natural Beauty.

The agent’s design statement on the Council’s planning website sets out a brief assessment of the application site and the surrounds.

Relevant Planning History

9/15/1132/79/3 Proposed Block of 16 Flats of Two Bedrooms, plus Garages/Parking Space
Planning Permission granted 13 November 1979.

This permission has commenced in that phase 1 of the development, namely the 12 flats comprising Vavasour House with garaging and parking at the rear, has been completed and occupied. The phase 2 development of the remaining 4 flats on the current application site has not commenced. However, because phase 1 of the development materially commenced within the required 5 years period, the permission remains ‘alive’ and phase 2 can still be implemented.

During 2006, the current applicant and his agent approached Officers of the Council prior to submitting any formal planning application seeking informal “without prejudice” comments regarding the erection of a contemporary designed 3 & 4 storey building comprising 6 flats on the current application site. The design included a very large corner ‘tower’ feature and a roof garden over the 3-storey element. This informal proposal was placed before the Council’s Design & Conservation Panel on 11 September 2006. The Panel’s comments were set out in a letter dated 22 September 2006 from the Head of Planning & Building Control, a copy of which is attached to this report.

15/0455/07/F Demolition of Existing Buildings and Erection of Six Flats & Associated Parking

This application was submitted during March 2007 following the comments of the Design & Conservation Panel. The proposal attracted letters of objection from third parties and Dartmouth Town Council. Concerns were also raised by the Environment Agency regarding flood levels and proposed finished floor levels; by the Highway Authority regarding the number of parking spaces being proposed; the Conservation Officer regarding design (eg circular tower too large and the Clarence Street elevation and its relationship with the nearby Listed Building unacceptable – in effect the comments of the Design & Conservation Panel had not been fully taken into account); and the Planning Officer regarding impact of the roof garden on visual and residential amenity. As a result the application was withdrawn.

15/2492/07/F

The current application has been submitted following further discussions with Planning & Conservation Officers, the Environment Agency and the Highway Authority. The agent's submitted design statement makes reference to the comments from the Design & Conservation Panel and various Officers which have resulted in the current proposal.

Policy Context

Adopted LDF Core Strategy – December 2006

CS1 – Location of Development : permits in principle development within development boundaries.

CS7 - Design : requires development proposals to include and promote good design that respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the built and natural environments.

CS9 – Landscape & Historic Environment : requires development to conserve and enhance the quality, character, diversity and local distinctiveness of the historic environment.

Devon County Structure Plan

ST1 – Sustainable Development : seeks to ensure that sustainable development objectives are achieved by conserving resources through amongst other things the efficient use of land and energy conservation, protecting environmental assets (including landscape and the built and historic environment) and ensuring that development proposals are well designed.

ST5 – Area Centres : Seeks to achieve a balance of economic, housing and other developments which will promote a high degree of self containment and vitality.

C03 – Area of Outstanding Natural Beauty : development must support the conservation or enhancement of AONB's or foster their social and economic well-being provided that such development is compatible with their conservation.

C06 – Quality of New Development : seeks to maintain and improve the quality of the environment by requiring attention to good design and layout that respects the character of the site and its surroundings and by providing for regeneration and conservation and townscape enhancement.

C07 – Historic Settlements & Buildings : care should be taken to conserve the character and appearance of conservation areas and listed buildings.

C013 – Protecting Water Resources & Flood Defence : development proposals should not be permitted where there would be a direct risk from flooding (including tidal inundation) or where it would be likely to increase the risk of flooding elsewhere to an unacceptable level.

TR10 – development proposals should not adversely affect the road network in terms of traffic and road safety, and access to the network should not detract from or conflict with the function of the route.

Adopted South Hams Local Plan – April 1996

SHDC1 – Development Boundaries : permits development in principle within development boundaries, provided such development is compatible with the character of the site and its surroundings, and where there would be no significant adverse effects in relation to, amongst other issues, traffic and parking, road safety, drainage, the landscape and local amenity. Design, local character, landscape setting and effect on neighbouring properties are important material planning considerations.

SHDC12 – Parking Provision in New Development : the quantity of parking in new development should be determined in a flexible manner to reflect the proposed use, the location and the availability of transport other than the private car.

SHDC15 – Design : ensures that new development displays good design practice and attains the highest possible standard of design.

SHDC18 – Conservation Areas : outside conservation areas, the impact of new development, the character and appearance of the conservation area is a material consideration.

SHDC19 – Historic Buildings : protects the setting of listed buildings.

Local Plan Review – January 2002

Policies DS3 (Development Boundaries)

DS6 (Sequential Approach to Development)

DEV2 (Design)

DEV7 (Flood Prevention)

DEV15 (Open Space)

DEV19 (Access & On-Site Arrangements)

DEV22 (Car Parking)

DEV23 (Protecting Landscape Character)

ENV2 (Area of Outstanding Natural Beauty)

ENV10 (Conservation Areas)

ENV12 (Buildings of Historic or Architectural Interest)

H02 (The Sequential Approach for Housing Development)

H04 (Density)

are all material considerations.

Central Government Guidance

PPS1 : Delivering Sustainable Development, Paras. 33-35 : consider the issue of design. This states:

“Design

- 33 *Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.*
- 34 *Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*
- 35 *High Quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. It means ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:*

- *Address the connections between people and places by considering the needs of people to access jobs and key services;*
- *Be integrated into the existing urban form and the natural and built environments;*
- *Be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;*
- *Create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and*
- *Consider the direct and indirect impacts on the natural environment.”*

Consultations

Devon County Highway Authority raises no objections in principle but considers 6 parking spaces to serve 6 flats to be inadequate. The Highway Engineer would prefer to see 9 spaces in accordance with the parking standards of 1.5 spaces per flat. Nevertheless, if there are no other planning objections to the proposal, then the Engineer states that his recommendation may be noted but not acted upon.

Comments have also been sought from the Highway Engineer in response to concerns raised about the proposed vehicular access onto College Way serving 6 spaces and its lack of visibility and proximity to the North Embankment/College Way junction. Dismissed appeals in 1980 and 1988 for new accesses onto College Way to serve one dwelling further to the west of the current application site have been referred to the Highway Engineer. These appeals were as a result of refusals of planning permission on grounds of visual amenity, highway safety, inadequate viability and precedent, based on overriding recommendations of refusal from the then Highway Engineer. However, the current Highway Engineer does not raise any highway objections to the current proposed access to serve the 6 flats because traffic speeds are much slower at this part of College Way than at that part of the highway further to the west and visibility complies with relevant criteria.

The Environment Agency raises no objections to the proposal because the finished floor levels of residential areas have been set no lower than the 1:200 year tidal level with an additional allowance for climate change. Conditions are recommended regarding finished floor levels and submission of a surface water drainage scheme.

The Environmental Health Officer notes that the application site is located in an area of a known chemical manufacturing works – coating, painting and printing inks. No objections are raised but conditions are recommended requiring contaminated land investigation.

The Landscape Manager advises that a contribution of £20,475 towards the provision of open space, sport and recreation for the benefit of Dartmouth and surrounds is required, in accordance with the Council's adopted SPD. This has been reflected in a draft Section 106 Agreement prepared by the applicant's Solicitor and submitted to the Council's Solicitor entirely without prejudice to any final decision taken by the Development Control Committee.

The Conservation and Design Officer recommends no objection subject to conditions relating to external finishing materials. In arriving at his recommendation, he comments as follows:

As you are aware the site is situated in a most prominent location alongside the waterfront and although not in the Conservation Area, the visual impact considerations of both immediate and wider setting are worthy of much consideration.

The structures that presently occupy the site offer little in the way of a positive contribution to the surrounding landscape and their diminutive scale renders an uncomfortable relationship with the buildings surrounding the site.

Unfortunately, the adjacent building 'Vavasour House' also offers little in the way of a positive contribution to the surrounding area and is of debatable architectural merit.

As I understand the case to be there is an extant permission which would allow an extension of Vavasour House on the proposal site. Although this option might be seen as the 'safe' option, it would surely represent an opportunity lost, an opportunity to create a landmark building which such a prominent site deserves.

An initial scheme went before the Design & Conservation Review Panel in September 2006, where the Panel were broadly in favour of the concept, particularly the contemporary approach and the overall scale of the proposed replacement structure, although there were issues regarding individual elements of the scheme (e.g. Scale of the front circular element).

In order for the outstanding design considerations to be further explored the then current application (0455/07) was withdrawn and copious pre-application discussions then followed between all parties to iron out the areas of concern.

Prior to the submission of this application correspondence was entered into with the applicants stating that Officer support could be forthcoming from a design perspective, notwithstanding the many other planning considerations such as highways, EA etc.

It is pleasing to see that the drawings included within this latest application are reflective of those pre-application discussions and offers of support and as such a similar sentiment can once again be expressed.

The proposed scheme represents an opportunity to enhance both immediate and wider setting and through good quality contemporary design should deliver a landmark building fitting for its most prominent of locations. With regards to the setting of both the immediate listed building and the wider Conservation Area, this new proposed scheme offers far more architectural interest and sensitivity to the surrounding environs than the extant permission and as such will enhance the setting of both over and above the previous approval.

Representations

Dartmouth Town Council recommends refusal on grounds of visual impact, overdevelopment, unneighbourly, and out of keeping with neighbouring properties.

At the time of compiling this report some 16 letters/emails of objection have been received from third parties. These have been included on the Council's planning website for Members' consideration prior to any decision being taken. The objections can be summarised as follows:

- Overdevelopment of the site;
- Adverse impact on the AONB, the Conservation Area, and locality in general;
- Design is inappropriate and out of keeping;
- Height is too great/unacceptable dominant feature;

- ❑ Inappropriate external materials;
- ❑ Insufficient parking;
- ❑ Poor access and visibility – detriment to highway safety onto College Way and Clarence Street;
- ❑ Loss of views of Coronation Park, the river and hills from Clarence Street;
- ❑ Detriment to residential amenities of nearby properties;
- ❑ Use by holidaymakers, not affordable for local people;
- ❑ Construction difficulties.

Analysis

At present, the application site is occupied by single storey buildings of varying heights. These buildings are of a bland design and are detrimental to the character and appearance of the locality. It is considered that there are no objections to their removal and replacement with a higher building.

Vavasour House to the south of the application site is a 4 storey building erected in the early 1980's. As stated by the Conservation and Design Officer, the design of this building "offers little in the way of positive contribution to the surrounding area and is of debatable architectural merit." The grant of planning permission to erect the 12 flats comprised within Vavasour House also allowed for the erection of 4 flats within a 4-storey structure on the application site, of a design, height and layout similar to Vavasour House. Existing garaging and parking to serve the 12 flats and new garaging to serve the 4 flats is located to the rear/ west of Vavasour House between it and Clarence Street. The additional 4 flats and garaging can still be erected by virtue of commencement of a 1979 grant of planning permission.

The proposed layout of the new build, which occupies virtually the whole of the site, is considered acceptable in that it will largely screen the rear elevation of Vavasour House and the parking areas from public views along College Way.

The visual impact and how well the building integrates into the townscape on this prominent site, both in terms of height and design, are key tests for the overall evaluation of the design. Inevitably, the use of contemporary design features and materials divides opinion amongst those who embrace such approaches and those who feel a more conventional building style ought to be used. The design of Vavasour House is not considered to be a good example to be followed and it would be highly unfortunate if phase 2 of the 1979 permission for the additional four flats and garaging were to be implemented. In deciding towards the contemporary approach, the applicant has presented an initial scheme to the Council's Design and Conservation Panel. The Panel considered that the general scale and form of the development proposal was reasonable when viewed from College Way but several concerns were expressed about specific details. Such concerns have been addressed following further consultations with Officers. Whilst it is accepted that the building will be dominant within the landscape, nevertheless it will not be too dominant in relation to Vavasour House along North Embankment. Its height and innovative contemporary design is considered acceptable and, as stated by the Conservation and Design Officer, "the proposed scheme represents an opportunity to enhance both the immediate and wider setting and through good quality contemporary design should deliver a landmark building fitting for its most prominent of locations."

In terms of impact on residential amenity of nearby properties, the application site lies to the north of Vavasour House. Its northerly location means that, notwithstanding its height, there will be limited loss of sunlight to of Vavasour House and the rear parking area as a result of

the proposed development. Existing windows in the northern gable end of Vavasour House will be overshadowed by the close proximity of the new build but these windows do not serve primary rooms. These gable windows are indicated as serving lobby/halls on the approved drawings forming part of the 1979 permission and, in any event, these windows would be completely obscured if the phase 2 development was implemented and physically attached to the Vavasour House structure. The windows on the southern elevation of the new build do not serve primary rooms, thus there are no unacceptable overlooking concerns.

In relation to properties in Clarence Street, the site lies to the east and north east of the properties. The part of the proposed development closest to the Clarence Street properties is the lower 3-storey element of the proposal. The height of this part of the development and its siting in relation to Clarence Street properties is considered to be acceptable in terms of impact on residential amenity. The limited number of windows on the Clarence Street elevation avoids unacceptable degree of overlooking.

Affordable Housing

No on-site affordable housing provision is proposed, nor any financial contribution offered, because the number of flats does not exceed the Government's threshold figures which would enable the Council to require such provision. The Committee is clearly aware of the change in the affordable housing threshold. Government advice is that the affordable housing threshold is 15 units and more and it is no longer possible for the Council to impose the lower threshold as stated in its SPG dated May 2004.

In addition, Members will be aware on 25 January 2008 the Council published two further documents as part of its LDF, namely the Affordable Housing Development Plan Document (DPD) (Submission Stage) and Affordable Housing Supplementary Planning Document (SPD) (Draft). These documents set out the Council's approach for delivering affordable housing in relation to new development. These documents are available for comment over a six weeks period until 7 March 2008.

Because these documents are at a very early stage in the consultation process, with consultation responses having yet to be received and considered, they are not yet at the stage where they can be considered as overriding material planning considerations when determining planning applications for development proposals.

Conclusion

Members are asked to accept that the contemporary design and scale of building is appropriate to the setting having due regard to initial comments from the Council's Design and Conservation Panel and subsequent recommendation from the Conservation & Design Officer, notwithstanding the strong local objection expressed. In addition, whilst noting the Highway Engineer's concern about inadequate parking, this is not considered to be an overriding reason to refuse the application. This is based on his own comments about noting but not acting upon such concern; Central Government advice about sustainability and not encouraging reliance on the private car, especially in built-up areas; and also having due regard to the Council's Local Plan parking policy regarding flexibility about parking provision. Government's emphasis is on securing sustainable residential environments. Developers should not be required to provide more car parking, particularly in urban areas where public transport is available. Parking policies should recognise that car ownership varies with income, age, household type, and the type of housing and its location. Local authorities should therefore revise their parking standards to allow for significantly lower levels of off-

street parking provision, particularly for developments including those in town centres where services are readily accessible by walking, cycling or public transport.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act and in particular Article 1 of the First Protocol and Article 8 of the Act itself. In arriving at this recommendation, due regard has been given to all objections received and the 'reasoning' behind such objections. However, in the individual circumstances of this case, and having full regard to the objectives of the Development Plan Policies and Government Planning Guidance, as well as considering all relevant consultation responses, it is not considered that these objections should override the applicant's reasonable expectations under the Act.

Recommendation

Subject to the prior satisfactory completion of a Section 106 Agreement dealing with a contribution of £20,479 towards the provision of open space, sport and recreation for the benefit of Dartmouth and surrounds, conditional approval.

Conditions

- 1 - TIM3 (Standard time limit 3 years)
- 2 - Non Standard
Roofing materials
- 3 - Non Standard
Walls Weatherboard
- 4 - MAT14 (Walls Render Details)
- 5 - Non Standard
Fibre Cement Weatherboarding
- 6 - Non Standard
Windows & Doors
- 7 - Non Standard
Full details
- 8 - Non Standard
Rainwater Goods
- 9 - Non Standard
Parking/Turning
- 10 - Non Standard
Finished Floor Levels
- 11 - Non Standard
Surface Water
- 12 - Non Standard
Contaminated Land Investigation
- 13 - Non Standard
Contaminated land Works
- 14 - Non Standard
No Additional Openings (Walls/Roof)

Reasons for Approval

- 1 This application has been determined in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 which states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies; relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are Devon County Structure Plan ST1, ST5, C03, C06, C07, C013, TR10: South Hams Local Plan SHDC1, SHDC12, SHDC15, SHDC18, SHDC19; Local Plan Review DS3, DS6, DEV2, DEV7, DEV15, DEV19, DEV22, DEV23, ENV2, ENV10, ENV12, H02, H04; Adopted LDF Core Strategy CS1, CS7 & CS9.
- 2 All consultations and representations, and relevant planning history, have been given due consideration and balanced accordingly when formulating this recommendation and conditions.

Informative

This recommendation refers to drawings nos. 05.878.50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 received 22 November 2007.