

# PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

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

**Application No:** 0004/16/FUL

**Agent:**

BBH Architects (Dartmouth) Ltd  
9 Duke Street  
Dartmouth  
TQ6 9PY

**Applicant:**

Lilifred Estates Office  
Estates Office  
23 Southernhay East  
Exeter  
EX1 1QL

**Site Address:** 11 Lower Street, Dartmouth, Devon, TQ6 9AN

**Development:** Proposed change of use and alterations to ground floor to create garaging, parking and ancillary storage

**Reason item is being put before Committee:** This application is brought by the Ward Members due to concerns regarding the loss of a retail unit in a town centre location.



**Recommendation:** Conditional approval

### **Conditions**

1. Time limit
2. Accord with plans
3. New doors to be retained in timber

### **Key issues for consideration:**

Loss of retail, design, highways safety, flood risk, heritage.

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### **Site Description:**

The site is situated within the centre of Dartmouth, on the eastern side of Lower Street and a short distance to the south of Oxford Street. A three storey structure sits on the site, with a retail unit on the ground floor (not currently occupied) and yard area behind with residential units above.

The site is located within the Dartmouth Conservation Area with a number of listed buildings in the vicinity. The site is also within the Central Shopping Area (which extends along both sides of Lower Street), Flood Zones 2 and 3 and the South Devon AONB.

### **The Proposal:**

Permission is sought to convert the existing retail unit into a parking area which would extend into the existing yard to the rear. Five parking spaces are identified on the submitted plans, along with a small bin storage area to serve the existing residential units. The Agent has confirmed that the parking spaces would be rented out to anyone with a need for parking in Dartmouth, and would not be tied to the existing residential units. Existing doors and windows facing Lower Street would be blocked up with a new garage door installed, with an enlarged pedestrian door to serve the existing upper level residential units.

A revised plan showing a slightly wider garage door was submitted during the life of the application on the request of Devon County Highways.

### **Consultations:**

- County Highways Authority – *“Noting the frequency of the ferry and amount of traffic that uses it I would still have the view that the application should not be refused on highway grounds. I note the garage door is wider and am happy with that also.”*
- Environment Agency – No comments received
- Dartmouth Town Council – *“Recommend Refusal on the grounds of loss of retail space, loss of an historic building affecting the street scene and highways concerns with cars reversing out into the ferry traffic across heavily used pedestrian pavements”*

### **Representations:**

11 letters of objection have been received, with concerns raised summarised as follows:

- Important retail hall space, affordable option for independent traders
- Viable retail unit, would still be let if the tenant had not been told to leave
- Loss of retail space would contradict efforts of the Dartmouth BID
- Hall is historic, damage to its character, should be accessible

- Intrusion on character of street scene, other building facades already destroyed by garage conversions
- Existing garages in street used as workshops, unsightly and do not encourage spending
- Loss of employment
- Would exacerbate traffic movement issues in this area and disrupt pedestrian flow on important tourist walking route to Bayards Cove
- Safety of pedestrians
- Cars would have to be moved onto Lower Street in order to allow vehicles at the back of the parking area to exit, impact on traffic congestion along with vehicles from Lower Ferry.
- Parking spaces would be lost to accommodate one essentially private garage that is likely to have only seasonal use
- Width of street and pavement, would make access difficult when on-street parking also occupied
- Harm to amenities of neighbouring properties from noise and pollution arising from parking area

### **Relevant Planning History**

None identified.

### **ANALYSIS**

Principle of Development/Sustainability:

The loss of retail space has been raised as a concern by a number of third party objectors. Saved Policy SHDC2 of the 1996 Local Plan makes provision for changes of use to non-shopping uses where the shopping character of the street would not be undermined. In this particular case the existing premises doesn't actually have a shop front (previously the existing doors were left open when the shop was open), and there are still a significant number of other retail units in the locality. There is no evidence available to suggest that the loss of this one retail unit would deter shoppers from coming to Dartmouth. National guidance on retail planning is mostly focused on plan making (with emphasis on the preparation of town centre strategies), and the determination of applications for new retail development.

Having regard to the above it is considered there is no planning policy basis for refusal of the application on the grounds of the loss of the retail unit. The introduction of additional parking provision within a town centre raises no in principle policy objection. Due regard must still be had to other material planning matters as detailed below.

Design/Conservation/Landscape:

The proposal is considered acceptable in design terms, and would not significantly physically detract from the appearance of the locality. If the application is approved a condition is recommended to ensure the new doors are retained in timber given the location of the site within the Dartmouth Conservation Area.

Whilst letters of representation have made reference to the historic interest of the existing building it is not actually listed. The physical alterations to the exterior of the building would be relatively minor, and on balance it is considered the character of the Conservation Area would be preserved. The nature of the development would not result in harm to the setting of any listed buildings in the locality.

The scale of development proposed would have a significant impact on the AONB.

Flood Risk:

As the site area in question is already hard surfaced and the proposal would not introduce a more sensitive end use (such as primary living accommodation) it is considered there is no objection to the proposal on flood risk grounds.

#### Neighbour Amenity:

Concern has been expressed by third parties regarding the impact of the proposed parking area on the amenities of neighbouring properties. Whilst the introduction of the parking area would clearly have some impact in terms of noise and other potential disturbance, on balance it is not considered this would be so significant to warrant refusal of the application.

#### Highways/Access:

On receipt of a revised plan showing a slightly wider garage door, Devon County Highways have not objected to this application. As detailed above, a number of third parties have raised concerns about the impact of this proposal on traffic flows along Lower Street with particular reference to the fact that Lower Street is used by vehicles exiting the Lower Ferry and also well used by pedestrians (being on one of the main tourist routes through Dartmouth). Whilst Officers understand and appreciate these concerns, in the absence of an objection from the County Highways Authority it is considered that a reason for refusal on this issue could not be justified or sustained at an appeal.

#### The Planning Balance:

Whilst concerns regarding the loss of the existing retail unit are acknowledged, it is not considered there is sufficient planning policy grounds to refuse the application on this basis. Subject to a condition to ensure the retention of the new doors in timber, the proposal is considered acceptable in design terms with the character of the Conservation Area being preserved. The development would not result in harm to the setting of any listed buildings, and would not result in substantive harm to residential amenity. In the absence of an objection from Devon County Highways it is considered refusal on highways grounds could not be sustained. On this basis the application is recommended for approval subject to conditions as detailed above.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

#### **Planning Policy**

##### ***National Planning Policy Framework/Practice Guidance***

##### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

##### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

##### ***South Hams Local Plan***

SHDC 1 Development Boundaries

SHDC 23 Shopping in Towns

**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.