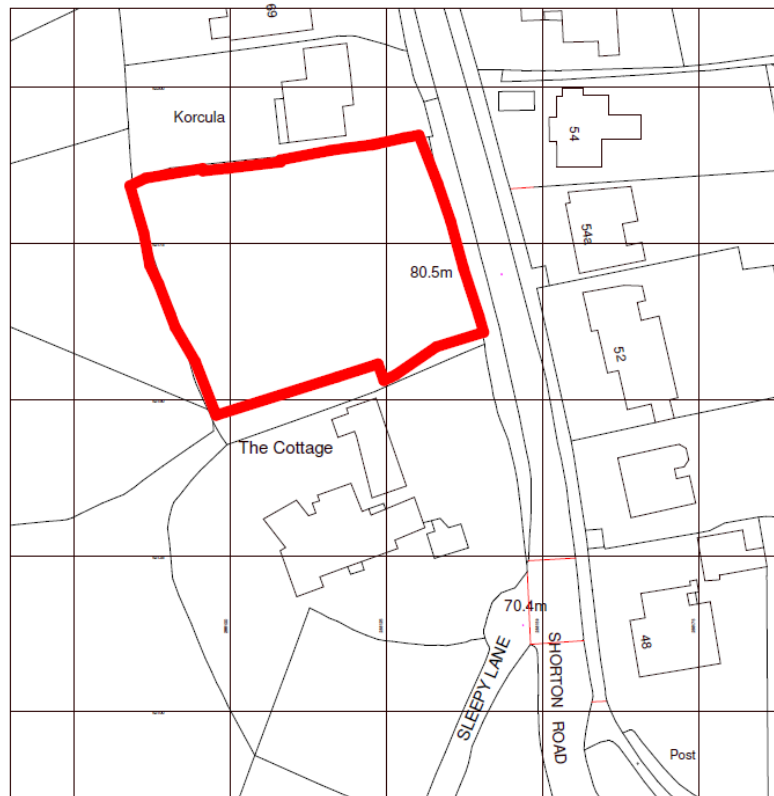


Application Site Address	Land North of Shorton Manor Shorton Road Paignton TQ3 1RG
Proposal	Construction of single detached dwelling within curtilage of listed building.
Application Number	P/2019/0020
Applicant	Mr & Mrs Williams
Agent	Mr Nathan Paull - Narracotts Architects
Date Application Valid	21/01/2019
Decision Due date	18/03/2019
Extension of Time Date	16/08/2019
Recommendation	That Listed Building Consent is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the number of objections that have been received.
Planning Case Officer	Emily Elliott

Location Plan:



Site Details

The site comprises a parcel of land within the curtilage of a Grade II Listed Building known as Shorton Manor. The site area is 1,700 square metres. The site lies adjacent to the remainder of Shorton Manor, Shorton Manor Cottage and No.67 Shorton Road. The site currently has no independent vehicular or pedestrian access. The site levels vary significantly, with ground levels being around 50m AOD in the north-east corner, which falls to around 40m AOD in the far southern edge of the site. The site is within the Shorton Conservation Area and is subject to an Area Tree Protection Order (1974.10 Area 1).

Description of Development

The proposed works for the creation of a dwelling (the subject of planning application P/2019/0019/PA) would entail the removal of part of a listed boundary wall in order to create a vehicle access onto the public highway.

Pre-Application Enquiry

DE/2017/0445: Formation of dwelling.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Paignton Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

P/2019/0019: Construction of single detached dwelling within curtilage of listed building. Pending Consideration.

P/1992/0380: Erection Of One Detached House And Garage (In Outline). Refused 07/05/1992.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. Eight neighbour notification letters were sent to those neighbours which the development could affect. 16 letters of objection and 3 letters of support has been received.

Concerns raised in objection include:

- Not in keeping with local area
- Noise
- Privacy/overlooking
- Impact on conservation area
- Sets a precedent
- Traffic and access
- Trees and wildlife
- Overdevelopment
- Impact on local area

Comments raised in support include:

- It provides houses
- Impact on local area
- Provides/retains jobs

Summary of Consultation Responses

Interim Heritage Advisor: *My primary concern with regard to this proposal was the impact upon the setting of Shorton Manor which is a listed building. Whilst the proposed dwelling is located to the rear of the manor and key views where the manor and proposed dwelling are restricted I originally highlighted that the scale of the building would be likely to have an adverse impact upon the setting although this would not in my view amount to significant harm. The revised scheme has responded to my concerns by making a number of revisions which I view as being positive in terms of reducing the impact. In conversation with the agent I highlighted that the landscaping of the site and the boundary with the manor needed to be reinforced. I am pleased to note that the revisions have included a suitable landscaping plan.*

Subject to the conditioning of the details of materials and the implementation of the landscaping plan I consider that that there would be no resultant harm to the setting of the heritage asset which will still be read as a small manor house contained within a suitable grounds befitting of its status (albeit now part of the urban area).

Historic England: *We do not wish to offer any comments but would refer you back to our letter setting out relevant guidance that will need to be considered, that being the Historic Environment Good Practise Advice Note 3: The Setting of Heritage Asset, which should help to inform your decision making. We would also suggest that you*

seek the views of your specialist conservation and archaeological advisers, as relevant.

Key Constraints

1. Impact on Heritage Assets

Planning Officer Assessment

Impact on Heritage Assets

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy SS10 states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas. Policy HE1 states that development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses.

This application is for listed building consent only. Listed building consent is required for all works of demolition, alteration or extension to a listed building that affect its character as a building of special architectural or historic interest. The requirement applies to all types of works and to all parts of those buildings covered by the listing protection (possibly including attached and curtilage buildings or other structures), provided the works affect the character of the building as a building of special interest.

The proposed works would involve the part demolition of a listed boundary wall for the creation of a new access to serve a proposed dwelling (the subject of a planning application currently under consideration).

The Council's Heritage Advisor has not raised objections to the proposal to remove part of the listed boundary wall. It is considered that the proposal would result in less than substantial harm to this asset, however, the modest changes and wall affected are such that the harm is considered to be very limited and there are public benefits that outweigh this harm, namely the creation of a new dwelling to help the Council meet its housing needs.

The proposal is therefore considered to accord with Policy HE1 of the Torbay Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and guidance contained within the NPPF.

Statement on Human Rights and Equalities Issues

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. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Conclusions and Reasons for Decision

The proposal would not result in unacceptable harm to the fabric or character of any listed building or structure. The proposed development is considered acceptable, having regard to the adopted Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That Listed Building Consent is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

Conditions

Materials

Prior to any works taking place in relation to the listed wall, details of the materials and finishes to be used in the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and shall be retained as such.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of Shorton Manor, Shorton Conservation Area and the streetscene in accordance with Policies DE1, HE1 and SS10 of the Torbay Local Plan 2012-2030.

Relevant Policies

DE1 – Design

HE1 – Listed Buildings

SS10 – Conservation and the Historic Environment

PNP1(c) – Design Principles