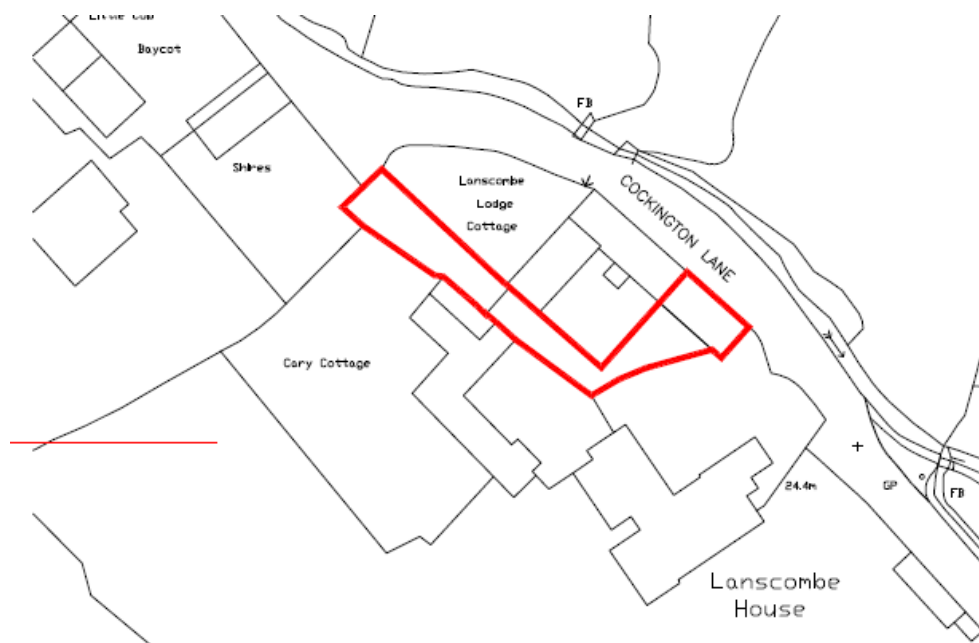


TORBAY COUNCIL

Application Site Address	Cary Cottage Barn Cockington Lane Torquay TQ2 6XA
Proposal	Conversion of existing barn into habitable accommodation (additional information received)
Application Number	P/2020/0677/LB
Applicant	Mr T McCue
Agent	Winfield Chartered Surveyors
Date Application Valid	06.10.2020
Decision Due date	11.12.2020
Extension of Time Date	
Recommendation	That conditional Listed Building Consent is granted. 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, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee as the proposed development has received a number of objections and has been referred to the Planning Committee by the local ward Councillors.
Planning Case Officer	Ross Wise



Site Details

The site relates to a Grade II Listed barn adjacent to Cary Cottage, Cockington Lane, Torquay. The barn is within the Cockington Conservation Area. The plot sits within a High risk Flood Zone (Level 3).

The site is located within the Westerland Valley to Occombe and Preston Countryside Area; the Cockington Conservation Area; the Cockington Country Park; as designated by the Development Plan.

Description of Development

This application for Listed Building Consent proposes the conversion of the existing barn into habitable accommodation with the addition of conservation style roof lights, which will be flush to the existing roof plain. The proposal also includes the raising of the internal ground floor level.

Pre-Application Enquiry

N/A

Relevant Planning Policy Context

Development Plan

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

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:

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning History

P/2013/0105. Conversion of existing barn into habitable accommodation. Approved by committee 15.08.2013.

P/2013/0275. Conversion of existing barn into habitable accommodation. Approved by committee 15.08.2013.

ZP/2012/0131 - Conversion of existing barn into habitable accommodation. Formation of detached double garage. Officer support was given to the principle of the conversion, however the addition of a detached garage was advised against.

P/2002/1157 - Alterations and installation of replacement windows, enlargement Of 2 Door Openings To Form Timber Garage Doors At Rear And Replacement Opening

Infill To Front Elevation (As Revised By Plan Received 3 December 2002). Approved by committee 20.10.2002.

P/2018/0381. Conversion of existing barn into habitable accommodation. Approved 5/2/2020.

Summary of Representations

0 letters of support and 3 objections were received. Concerns were raised regarding:

- Traffic on the private driveway and access pressure
- Compromised privacy
- Noise
- Lack of need for the development
- That the previous officer assessment was inadequate and misleading.
- Proposed parking spaces detract from the visual appearance of the heritage asset.

Many of these points are not relevant in the consideration of the determining whether listed building consent is granted and so will not be discussed within this report.

Summary of Consultation Responses

Torquay Neighbourhood Forum: Although the principle of conversion is accepted the proposed new windows and doors and their treatment including the detrimental impact on the privacy of neighbours and the limited need for the additional openings are considered unacceptable, given its Listing and location in a Conservation Area. In addition, the parking location and access is unworkable. It is considered that these elements of the proposal would result in unacceptable harm to the character or visual amenities of the locality. The proposal fails to accord with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

Key Issues/Material Considerations

1. Impact on Heritage Assets.

Planning Officer Assessment

1. Impact on the Designated Heritage Asset

Policy SS10 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make up Torbay's built and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay. Policy HE1 of the Local Plan states that development proposals should have special regard to the desirability of preserving any listed buildings and its setting, or any features of special architectural or historic interest which they possesses. Policy TH10 of the Torquay Neighbourhood Plan supports alterations to listed buildings where they safeguard and enhance their historic qualities and elements according to their significance. Policy TH11 of the TNP seeks to provide

special protection for Torquay's rural village Conservation Areas (Maidencombe and Cockington), supporting sensitive conversions, extensions and alterations where proposals would protect or enhance the character and setting of the Conservation Area.

This building is designated as a Grade II Listed building and dates from between 1830 and 1870. It sits within the Cockington Conservation Area and is designated in the Cockington Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape. In addition, it is identified as having an unspoilt frontage.

The previously approved planning and listed building consent applications (P/2013/0105 and P/2013/0275) determined the proposal was acceptable and assessed the proposal against the policies of the previous Local Plan. The policies within the existing Adopted Local Plan (Torbay Local Plan 2012-2030) and the previous version have the same key aspirations with regards to heritage assets. Recently the proposal has also been granted listed building consent (P/2018/0381). However this consent did not include the proposal to raise the internal floor level of the building which is necessary to overcome Flood Risk considerations.

The principle of the conversion has previously been considered to be acceptable in terms of its impacts on heritage assets with the exception of the raising of the internal ground floor level.

As per approved Listed Buildings Consents P/2013/0275 and P/2018/0381, in terms of fenestration, many of proposed windows would utilise existing openings within the building. The road elevation of this building is arguable the most important to the wider setting of the Cockington Conservation Area. Accordingly the number of proposed roof lights on this elevation would be limited to three. As this would not be sufficient to provide natural light to the spaces within the upper floors, two new openings to the courtyard (SW) side and a further three roof lights on that side of the building are proposed. These are considered to be a reasonable compromise to retain as far as possible the more prominent roadside façade of the building. The proposed works to the courtyard (SW) elevation are considered to result in less than substantial harm to the heritage asset.

The raise in internal floor level is considered to be acceptable and would secure the continued use and longevity of the building. Given that the internal spaces are large volumes, the reduction in floor-to-ceiling height is not considered to be detrimental to the special architectural or historic interest of the building and its significance.

No extensions to the existing building are proposed, with only a minor alteration proposed to the courtyard space to facilitate the storage of refuse and cycles. Besides this element, the courtyard space in front of the SW elevation of the existing building has been left flexible space that is open and as such, has allowed it to maintain its functional open character and relationship with the existing building and the wider setting.

Therefore the works as a whole will provide a suitable balance between the desire to retain the building's character and setting, whilst providing the building with a viable long term future.

In accordance with the para.196 of the NPPF, where it is considered that a development proposal would lead to less than substantial harm to a heritage asset, this should be weighed against the public benefits of the proposal.

In this case it is considered that there is demonstrable public benefit arising from the proposal outweighs the harm by bringing the building back into a viable use where there is a clear vulnerability and water may impact the longevity and life of the building should it not be converted.

As such, it is considered that there would not be any unacceptable harm to heritage assets.

The conditions from the previous permissions will be carried forward where they have not yet been addressed to ensure an acceptable form of development. These are in accordance with the suggestions in the previous conservation advice.

On balance and subject to the condition being met, the proposal is considered to be acceptable with regard to Policies SS10 and HE1 of the Local Plan, Policy TH10 of the TNP and the 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.

Conclusions and Reasons for Decision

The proposal is considered acceptable, having regard to the requirements of the Planning (Listed Building & Conservation Areas) Act, relevant Development Plan policies, and all other material considerations.

Officer Recommendation

That delegated authority is given to the, to grant listed building consent, 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, Housing and Climate Emergency.

Conditions

Flue

The colour of the flue projecting from the roof should be in a colour to match the roof material.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Listed Building in accordance with Policy HE1 of the Torbay Local Plan and TH10 of the Torquay Neighbourhood Plan.

Rainwater goods.

Should any rainwater goods require replacement, any new items will be made from metal and to a design that matches the existing appearance.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard and in order to comply Policy HE1 of the Adopted Torbay Local Plan 2012-2030 and TH10 of the Torquay Neighbourhood Plan.

Window Openings

The existing appearance of the apertures shall be as retained with curved brick lintels, the new apertures shall match these in terms of appearance and reveals.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard and in order to comply Policy HE1 of the Adopted Torbay Local Plan 2012-2030 and TH10 of the Torquay Neighbourhood Plan.

Windows and doors

The colour of any external timber joinery including fascias, windows and doors shall match those that currently exist unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard and in order to comply Policy HE1 of the Adopted Torbay Local Plan 2012-2030 and TH10 of the Torquay Neighbourhood Plan.

Roof

The roof shall be replaced at the same pitch and height as the existing and re-slatted using the existing slate. Any damaged slate shall be replaced by slate of the same grade and colour.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Listed Building in accordance with Policy HE1 of the Adopted Torbay Local Plan 2012-2030 and TH10 of the Torquay Neighbourhood Plan.

Relevant Policies

HE1 – Listed Buildings

SS10 – Conservation and the historic environment

TH10 – Protection of the historic built environment.