

Application Number

P/2012/1228

Site AddressRedstones
Cockington Lane
Torquay
Devon
TQ2 6XD**Case Officer**

Mr Alexis Moran

Ward

Cockington With Chelston

Description

Demolition of house and conservatory; erection of 3 bedroom replacement dwelling; use of existing studio as dwelling during rebuilding and use thereafter as guest accommodation; alterations to existing access to Cockington Lane and provision of private sewerage system

Executive Summary/Key Outcomes

The key issues to consider in relation to this application are whether the proposed accommodation and change of use to the land from agricultural to residential would have a detrimental impact on the character and appearance of the Conservation Area, AGLV and the Countryside Zone.

The landholding is located within a Countryside Zone, policy L4 of the saved adopted Torbay Local Plan 1995-2011 states that non-agricultural buildings would normally be resisted, but alterations or extensions to existing buildings may be permitted in appropriate circumstances i.e. provided that the rural character, wildlife habitats and historic features are not adversely affected. In this instance the proposal is deemed to be contrary to policy L4.

Within an AGLV development likely to affect the designation will only be permitted where it will maintain or enhance the special landscape character of the area as set out in policy L2 of the saved adopted Torbay Local Plan 1995-2011. The proposal is not considered to comply with this policy.

Development within a Conservation Area will normally only be permitted where it preserves or enhances the character of the Conservation Area (policy BE5). The size, design and the addition of further buildings and structures including a terrace, and additional hardstandings are considered to be detrimental to the character and appearance of the Cockington Conservation Area and is therefore considered to be contrary to policy BE5 of the saved adopted Torbay Local Plan 1995-2011.

The proposal is therefore not considered to be acceptable and the recommendation for this application is one of refusal.

Recommendation

Refusal

Site Details

The building, Redstones, Cockington Lane, Torquay, has a lawful use as a single dwelling house, this does not include the conservatory and does not have a curtilage. The remainder of the land remains as agricultural and should be in use as such. Any other use would be a criminal offence as it would be in breach of the enforcement notice (APP/X1165/C/10/2121509).

The site lies within the Cockington Conservation Area, a Countryside Zone, an Area of Great Landscape Value and a Local Wildlife Site (Cirl Buntings).

A site visit was undertaken on the 18th December 2012.

Detailed Proposals

The application seeks permission for the demolition of the existing building which has a lawful use as a single dwelling and the demolition of the conservatory. The proposal is then for the formation of a new dwelling with vehicular access to Cockington Lane. With the use of a separate unit described as a studio as a dwelling while new dwelling is in construction and as guest accommodation thereafter.

Summary Of Consultation Responses

Arboricultural Officer Due to the constraints of the Conservation area and presence of the TPO trees adjacent until a full arboricultural implication study is submitted accompanied by a detailed tree survey a recommendation cannot be given.

Summary Of Representations

A total of 3 letters of representation have been received which relate to the development being:

- unsustainable
- the detrimental impact it would have on the Cockington Conservation Area, the Area of Great Landscape Value (AGLV) and the Countryside Zone
- poor design
- increase in vehicle movements
- potential to set a harmful precedent

These letters are included in the Late Representations pack.

Relevant Planning History

P/2012/042 Demolition of dwelling and conservatory; formation of new dwelling with vehicular access to Cockington Lane; use studio as dwelling while new dwelling is in construction and as guest accommodation thereafter; alterations to studio – application was refused by delegated powers 22.06.2012. However the Planning Inspectorate did not consider that a D&A had been submitted as part of the application and therefore a free resubmission was offered to the applicant.

P/2011/0730 Demolition of dwelling and conservatory; formation of new dwelling with vehicular access to Cockington Lane; use studio as residence while new dwelling is construction; application withdrawn 22 November 2011

P/2011/0778 Conservation Area Consent; Demolition of dwelling and conservatory; application withdrawn 22 November 2011

Key Issues/Material Considerations

The key issues to consider in relation to this application are whether the proposed accommodation and change of use to the land from agricultural to residential would have a detrimental impact on the character and appearance of the Conservation Area, AGLV and the Countryside Zone.

The effect of the Inspector's amendments to this enforcement notice is that only the single structure in which the applicant lives has a lawful use for any residential purposes and there is no residential curtilage.

This means that;

- Irrespective of the submitted drawings, only the site of the existing 'residential building' has a lawful residential use; and
- unless the landowner is using the remainder of the land for agricultural purposes (this doesn't constitute 'development') then it shouldn't be used at all – any other use being a criminal offence as it is in breach of the enforcement notice

The landholding is located within a Countryside Zone, policy L4 of the saved adopted Torbay Local Plan 1995-2011 states that non-agricultural buildings would normally be resisted, but alterations or extensions to existing buildings may be permitted in appropriate circumstances i.e. provided that the rural character, wildlife habitats and historic features are not adversely affected. It is considered that in this instance the increase in footprint of the existing lawful building, the retention and extension of unlawful buildings and the change of use to the land from agricultural to residential would be of detriment to the rural character of this area and would potentially encourage the merging of urban areas to the detriment of the rural character of the area. Therefore the proposal would be contrary to this policy.

Within an AGLV development likely to affect the designation will only be permitted where it will maintain or enhance the special landscape character of the area as set out in policy L2 of the saved adopted Torbay Local Plan 1995-2011. It is deemed that the increase in the size of the existing lawful building, the addition of further buildings and hardstanding and the removal of trees would have a detrimental impact on the local character of the area and would therefore be contrary to policy L2 of the saved adopted Torbay Local Plan 1995-2011.

Development within a Conservation Area will normally only be permitted where it preserves or enhances the character of the Conservation Area (policy BE5). The size, design and the addition of further buildings and structures including a terrace, and additional hardstandings are considered to be detrimental to the character and appearance of the Cockington Conservation Area and is therefore considered to be contrary to policy BE5 of the saved adopted Torbay Local Plan 1995-2011.

Policy NC3 which related to Locally Protected Sites states that development will only be permitted where...

- There are no reasonable, less damaging alternative sites;
- The reasons for the development outweigh the harm
- Every effort has been made to minimise and mitigate against the effects of the development

The proposal is not considered to comply with this policy as the reasons for it do not outweigh the harm and no effort has been made to minimise or mitigate against the effects of it.

The application proposes a new vehicular access along Cockington Lane which would require further excavation of the existing Devon bank on the boundary which is considered to be contrary to policy L8 of the saved adopted Torbay Local Plan 1995-2011.

There is potential that trees protected by both or either the Conservation Area or Tree Protection Order (1971.41) could be affected which would further harm the Conservation Area, AGLV, Countryside Zone and Locally Protected site.

The hardstandings are likely to cause water run off to drain into Cockington Lane rather than to return to the water table in a sustainable way. Due to the steep nature of the area the likely impact of this is that material from the site will be washed onto the road and into the stream some 100 metres down the road.

Bearing the above points in mind it is considered that the proposed development is not acceptable for planning approval.

S106/CIL -

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

On the basis that the new accommodation will comprise of a residential unit with over 120sq metres of gross internal floor area:

Contribution for dwelling:	
Waste Management	£ 50.00
Sustainable Transport	£ 3,610.00
Lifelong Learning	£ 470.00
Greenspace and Recreation	£ 2,370.00

Total for Development £ 6,500.00

Conclusions

The proposed development is not considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations

Condition(s)/Reason(s)

01. The development due to its size, siting, location, design, scale, impact on the character, appearance and nature of the area and the overall increase and intensification of residential activity is considered to be unacceptable and contrary to policies, BES, BE1, BE5, L2, L4, L8, H2, NC3, T25 & T26 of the saved adopted Torbay Local Plan 1995-2011.

02. Provision has not been made for the payment of a sustainable development financial contribution, in accordance with the adopted policy of the Local Planning Authority, as set out in the document “ Planning Contributions and Affordable Housing, Supplementary Document Update 3, Economic Recovery Measures April 2011” and policies CF6 & CF7 of the saved adopted Torbay Local Plan 1995-2011.

0.3 The “studio” building does not have the benefit of planning permission and its proposed use as residential accommodation would regularise a structure of a poor quality, with no further information regarding its design and appearance. Their use for residential purposes detached from the principle dwelling will increase the residential use of the site and potential lead to increased pressure for further separate units of residential accommodation. The siting, design and use of this structure would be contrary to policies, BES, BE1, BE5, L2, L4, L8, H2, NC3, T25 & T26 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

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