

Application Number

P/2016/1304

Site Address

Cary Castle
32 Cary Castle Drive
Torquay
TQ1 4QZ

Case Officer

Verity Clark

Ward

St Marychurch

Description

Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle and replacement of windows and doors.

Executive Summary/Key Outcomes

The application site is a Grade II listed building currently in use as a dwelling house and 14 residential flats, accessed from a private drive; Cary Castle Drive, Torquay.

The proposal seeks permission for a number of external works to the existing building in the form of new windows and doors, roof lanterns and the blocking up and opening of sections of wall.

The second key element of the proposal is for a large number of internal works including the removal of a number of walls, doors and ceilings.

The proposal also seeks permission for a number of new gates, and fences within the site.

The proposed internal and external works to the building, fences and gates are considered to be visually acceptable and without detriment to the historic fabric and character of the Grade II listed building or St Marychurch Conservation Area.

The application is recommended for Listed Building consent to be granted subject to conditions.

The application has been referred to Development Management Committee due to the number of objections that have been received, however it should be noted that the objections relate to the works proposed under the corresponding planning application.

Recommendation

Listed Building consent be granted subject the final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

8 weeks. The determination date is the 11th April 2017. The determination has exceeded the 8 week date to allow the applicant the opportunity to provide revised plans to address concerns with the proposal.

Site Details

The site, Cary Castle, 32 Cary Castle Drive, Torquay, is a Grade II listed property in use as a dwelling house and 14 residential flats, accessed from a private drive; Cary Castle Drive, Torquay. The property is located within a generous plot and includes an existing parking area to the north of the property accessed from Cary Castle Drive. An existing overgrown access is also located in the South East corner of the plot leading to Barewell Close.

The site is located within the St Marychurch Conservation Area.

Detailed Proposals

The proposal seeks Listed Building consent for internal and external works to the property. The proposal seeks permission for the external blocking up and opening of sections of wall, new windows and doors and three timber roof lanterns. Internal works to the building include a large number of alterations including the removal of walls, doors and ceilings.

The proposal also seeks to reduce the number of flats from 14 to 9, form a parking area in the South East corner of the plot and install fences and gates, however these elements do not require the benefit of listed building consent and are therefore not considered as part of this application.

Summary Of Consultation Responses

Senior Historic Environment Officer. It is clear from AC Archaeology's Architectural Assessment that the main block of the castle (west side) is, in the main, original fabric of the mid-19C; and that the east-side service wing is with the exception of short lengths of phase II walling (late-19C) entirely rebuilt in the 20C in two phases: 1950-1970; and c.1995-2000. The more recent plans show clearly the proposed demolitions in the new layout, allowed them to be separately phased, and thus aided interpretation considerably. Both the architectural assessment and the demolition details demonstrate that the great majority of the proposed changes are the removal of the less significant 20C phases. This was confirmed during our visit. After receipt of revised plans there are no concerns with the changes in the main block or the 20C wing - though detail here: stair, window, and door formations and types will be important. No problems with drawings 1211.17 & 18; much of the demolition has been done as we witnessed, but mostly 20C alterations of low significance as agreed on site. Regarding the latest parking/landscaping proposals revised plans have been received reducing the number of parking spaces to 4. This sits within the context of the ruined buildings in the far corner; these once served the commercial walled gardens, the area now occupied by 3-9 and 12-18 Barewell Close, as the blocked entrance in the boundary wall with 12 Barewell

Close shows. The revised plans are considered to be acceptable and without detriment to the setting of the listed building.

Summary Of Representations

14 representations. Issues raised:

- Parking within Barewell Close
- Highway safety
- Noise and disturbance
- Existing access and parking on site
- Inaccurate plans/ description
- Loss of privacy and overlooking
- Impact on security
- Lighting
- Impact on listed building
- Impact on Conservation Area
- Neighbour amenity
- Right of access

Relevant Planning History

P/2016/1265	Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle, formation of new car parking for flats, and replacement of windows and doors. Concurrent planning application.
P/2002/1153 & P/2002/1154	Demolition Of Garage And Demolition Of Extension To Existing Villa; Conversion Of Villa To Form 2 Dwellings; Erection Of Extension To Form 2 Dwellings And Erection Of One Dwelling In Grounds. Applications withdrawn.
P/1999/1202	Change Of Use From Holiday Apartments To Residential Apartments (As Revised By Plans Received 23/9/99). Approved 23/11/99
P/1999/0319	Erection Of Dwelling With Garage. Refused 05/05/99 Appeal dismissed.
P/1999/0318	Demolition Of Derelict Garage And Greenhouse And Erection Of Dwelling With Garage. Refused 05/05/99 Appeal allowed.
P/1998/0142	Erection Of Dwelling With Integral Garage. Refused 23/03/98
P/1988/0099	Erection Of Dwelling With Integral Garage. Refused 09/03/98

Key Issues/Material Considerations

The key issues to consider in relation to this application is the impact of the proposal on the Grade II listed building and St Marychurch Conservation Area.

The proposed external works to the Grade II listed property are considered to be acceptable. The proposal seeks permission for the blocking up and opening of sections of wall, installation of new windows and doors and three timber roof lanterns. The Council's Senior Historic Environment Officer has confirmed that there is no concern with the changes in the main block or the 20th century wing although larger scale detail of the window and door formations and types will be important and should therefore be required by condition. As such the proposed external changes to the existing building are considered to be appropriate and without detriment to the historic fabric and character of the building or the character and appearance of the wider Conservation Area street scene.

The proposed internal works are considered to be acceptable. The Council's Senior Historic Environment Officer has noted that the architectural assessment and the demolition details demonstrate that the great majority of the proposed changes are the removal of the less significant 20th century phases. This was confirmed during a site visit. After receipt of revised plans there are no concerns with the proposed changes. As such the proposed internal changes to the building are considered to be appropriate and without detriment to the historic fabric and character of the building.

The proposal as a whole is therefore considered to accord with Policies DE1, SS10 and HE1 of the Torbay Local Plan 2012-2030.

Statement of Pro-active Working

The Council has sought to work positively and proactively with the applicant through discussions and through open dialogue including requests for revised plans.

S106/CIL -

N/A

Local Finance Considerations

The local finance impact of the proposal is di minimus due to its scale.

Human Rights and Equality 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.

Conclusions

It is considered that the proposal is acceptable for the reasons set out in this report. The internal and external works to the Grade II listed building are considered to be acceptable and without detriment to the historic fabric and character of the listed building and the character and appearance of the Conservation Area in accordance with Policies DE1, SS10 and HE1 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which specifies that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which notes that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Condition(s)/Reason(s)

01. Window/door details

Relevant Policies

DE1 - Design

SS10 - Conservation and Historic Environment

HE1 - Listed Buildings