

Application Number

P/2019/0268

Site Address

Café Cockington Court
Cockington Lane
Torquay
TQ2 6XA

Case Officer

Ross Wise

Ward

Cockington With Chelston

Executive Summary/Key Outcomes

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.

This application proposes the redecoration of an existing café dining space and to provide a new serving counter. The proposal will also seek to install parasols in the external courtyard to provide shelter for customers.

The proposal is considered to be in accordance with Policies DE1, HE1 and SS10 of the adopted Torbay Local Plan, along with Policies TH8 and TH10 of the Torquay Neighbourhood Plan, and is recommended for approval.

Recommendation

Approval, with the final drafting of any conditions and resolution of any outstanding matters to be delegated to the Assistant Director for Planning and Transport.

Reason for Referral to Planning Committee

As the proposed development is on land that is registered as a Torbay Council asset and an objection has been received, the Council's constitution requires that the application be referred to the Planning Committee for determination.

Statutory Determination Period

The eight week target date for determination of this application was the 13th May 2019. An extension of time to 10th June 2019 has been agreed.

Site Details

The site is the Café at Cockington Court, Cockington Lane, Torquay. The building is a Grade II* listed manor house, located within the Cockington Conservation Area. The café occupies part of the ground floor of the manor house.

The house as it looks now is very different from when it was first constructed. Over various points in time extensions and remodelling have taken place that have

concealed much of the building's historic fabric and original layout. Many of the date stones seen throughout the house are physical evidence of this. Consequently the internal detailing will have met a similar fate and has been altered or lost throughout various stages of remodelling and reconstruction.

The wider site houses a craft centre with creative businesses and shops

Detailed Proposals

The application proposes to internally refurbish the existing café rooms including a 100mm service hole through an internal wall to allow for a waste water connection. New furniture and a serving counter are also proposed. Existing features are to be retained and refurbished where necessary. Externally, within the courtyard, parasols are proposed to provide shelter for customers.

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")
- Torquay Neighbourhood Plan (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:

Summary Of Consultation Responses

Torquay Neighbourhood Plan Forum: No comments received.

Historic England: On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Conservation Advisor: No objections.

Summary Of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advert
1 objection have been received. Issues raised:

- Permanence of the large parasols and their effect on the principle elevation.

Relevant Planning History

P/2010/0022 Formation of craft workshops and resource building, car parking, access road and paths, legibility interventions and commissioned works of art. Works to create additional car parking adjacent to Cockington church through introduction of geogrid mat and alterations to the church steps to create level access. Removal of and work to various trees. Approved 30/03/2010

P/2010/0023 Formation of craft workshops and resource building, car parking, access road and paths, legibility interventions and commissioned works of art. Withdrawn 25/03/2010

P/2011/0058 formation of bridge to cross stream in the water meadows form footpath to old carriage drive. Approved 10/03/2011

P/2011/0059 Formation of four temporary replacement car parking spaces. Approved 11/03/2011

P/2011/0060 Formation of four temporary replacement car parking spaces. Withdrawn 14/02/2011

P/2011/0369 Formation of replacement bridge. Approved 19/05/2011

P/2011/0370 Formation of replacement bridge. Approved 19/05/2011

P/2014/0441 Certificate of lawfulness for proposed development; repair and maintenance to existing ponds and pathways. Approved 08/07/2014

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

Impact on heritage asset

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. Policy TH10 (protection of the historic built environment) of the Torquay Neighbourhood Plan notes that alterations to Listed Buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance.

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In terms of visual appearance, the internal appearance will remain much as it exists. The internal decoration, proposed lighting, and new service counter and shelving are the only visible changes. The location of the proposed section of wall to be drilled through has been carefully selected so as to minimise any potential impact. After inspection it was discovered that a section of the panelling could be removed to allow for a service void to be drilled from a section of wall. As such, the proposal aims to remove the section of panelling to facilitate the drilling of the service void and retain the section of panelling in perpetuity, should it need to be replaced subject to the service void becoming no longer required. Much of the proposed redecoration is considered de minimis and hence does not require planning or listed building consent, but has been included as part of the application to create an accurate record of work.

Externally, whilst free standing larger parasols are indicated on the submitted plans in the existing external seating area, these elements are not considered to require listed building consent.

The previously mentioned refurbishment of the café and associated works are considered to result in an improved visual appearance and an enhancement to the Grade II* listed building and the Cockington Conservation Area. The historic fabric and character of the Grade II* listed building will therefore be preserved. The proposal is therefore considered to accord with Policies DE1, SS10 and HE1 of the Torbay Local Plan, Policies TH8 and TH10 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

Local Finance Considerations

S106/CIL -

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

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.

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

The proposed development is considered acceptable, having regard to the adopted Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for listed building consent.

Relevant Policies

DE1 - Design

SS10 - Conservation and Historic Environment

HE1 - Listed Buildings

TH8 – Established Architecture

TH10 - Protection of the Historic Built Environment