

**Application Number**

P/2013/0105

**Site Address**Cary Cottage  
Cockington Lane  
Torquay  
Devon  
TQ2 6XA**Case Officer**

Mr Alexis Moran

**Ward**

Cockington With Chelston

**Description**

Conversion of existing barn into habitable accommodation

**Executive Summary/Key Outcomes**

The application seeks permission for the conversion of a barn, adjacent to Cary Cottage and attached to Lanscombe Lodge Cottage, to residential accommodation.

The key issues are whether the principle of the development and the external alterations have a significant impact on the character and setting of the Listed Building. The principle of the conversion of the barn is acceptable as it would not detrimentally affect the character of the area and would ensure the upkeep of the building, which is a heritage asset. The external alterations are sympathetic to the original property and are deemed to be appropriate developments.

Three letters of objection have been received, the issues covered in these involved the impact the development would have on the Listed Building, flood risk and covenants.

The Local Authority's Senior Heritage and Design Officer has confirmed that the proposed works are acceptable and comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2011.

The applicant has submitted a flood risk assessment which includes mitigation to alleviate the results of flood risk and which has agreed with the Environment Agency. The recommendations of the flood risk assessment can be conditioned.

Covenants are not a planning issue and therefore will not be considered as part of this application.

The proposal is therefore considered to comply with policies BES, BE1, BE5, BE6 & H9 of the saved adopted Torbay Local Plan 1995-2011.

The applicant has paid the required SPD contribution for the development via a

unilateral undertaking.

The application is considered to be acceptable and is recommended for approval.

### **Recommendation**

Approval

### **Statutory Determination Period**

8 weeks - this application has exceeded the statutory determination period as a planning contribution was required and as it was requested to be put to the development management committee.

### **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.

### **Detailed Proposals**

The application seeks permission for 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.

### **Summary Of Consultation Responses**

*Senior Heritage and Design Officer* No objection to the principle of conversion of the barn or the proposed works.

*Highways Officer* No objection

### **Summary Of Representations**

3 letters of objection have been received for this application, these relate to:

- Impact on Listed Building and Conservation Area
- Out of keeping with the area
- Restrictive covenants
- Flood Risk
- Overdevelopment

These representations have been sent electronically for Members consideration.

### **Relevant Planning History**

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.

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are, i) the impact it would have on the Listed Building and the character and appearance of the Conservation Area, and ii) the impact on the amenity and privacy enjoyed by the occupiers of neighbouring properties. Both iii) flood risk and iv) the impact of the proposed use on the character of the village are also important considerations

i) The principle of the conversion of the barn is considered to be acceptable, ensuring the retention and upkeep of the building as a heritage asset.

This building dates from between 1830 and 1870 and sits within the Cockington Conservation Area. It is designated in the Churston Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape. It is identified as having an unspoilt frontage. It is also designated as a grade II listed building. NPPF Paragraphs 131 and 132 are relevant as are Local Plan policies BE5 and BE6.

In accordance with guidance in the NPPF (para 131), the proposed use is considered to provide the necessary viability to retain the building in the longer term. In terms of the works themselves, they are considered on balance to retain the character of the building and its setting.

In terms of the interior changes, planning application P/1995/1469 shows that the staircase is a modern addition. In terms of fenestration, the majority utilise existing openings. In this case the road elevation is very important to the wider setting of the conservation area. Accordingly the number of roof lights on this elevation is only three, which would not be sufficient to provide natural light to the rooms, therefore two new openings on the courtyard side and a further three roof lights on that side of the building are considered a reasonable compromise to retain as far as possible the more prominent roadside façade. 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.

ii) The proposal will not have a significant impact on the privacy and amenity of neighbouring properties to the extent of warranting a refusal. The change of use and works to convert the barn will be in keeping with the character of the

immediate area which has a mix of both holiday and residential accommodation. The additional windows and doors are not considered likely to result in substantive additional overlooking.

Furthermore, given the scale and nature of the use of the barn for residential purposes, it is not considered that the conversion will create such additional levels of noise or disturbance as would generate concerns about harmful impacts on neighbouring living conditions.

iii) A flood risk assessment has been submitted with the application and the Environment Agency have confirmed that, provided alleviation measures mentioned in the assessment are adhered to, they would not object to the proposal.

iv) There is potential for this accommodation to also contribute towards the village as a tourism hub, particularly if it were used for holiday purposes. Although it should be made clear that no mention of this has been made in the application. Concerns have been raised about the potential impact of a holiday use on the village. However, given the open residential nature of the use and the payment of the relevant s106 contribution for permanent residential use it would be entirely in the hands of the owners as to whether to use the barn for holiday or residential purposes. It is considered that both residential and holiday use are acceptable uses for the building in this case.

Finally, in relation to parking and access, the site is served by an existing access and parking courtyard that is sufficient to provide space to serve the additional dwelling. The issue of covenants is not a material planning consideration.

### **S106/CIL -**

The application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay.

In this instance, the SPD indicates that a financial contribution will be required. A calculation of the contribution, based on the type and size of development proposed and including any relevant mitigation, is provided below:

	Total	Less 5%
Waste Management (Site Acceptability)	£ 50	£ 48
Sustainable Transport (Sustainable Development)	£2,385	£2,266
Stronger Communities (Sustainable Development)	£-	£-

Education (Sustainable Development)	£-	£-
Lifelong Learning (Sustainable Development)	£ 85	£ 81
Greenspace & Recreation (Sustainable Development)	£2,045	£1,943
South Devon Link Road	£ 975	£ 926
Total	£5,540	£5,263
<u>Total with Admin Charge</u>	<u>£5,817</u>	<u>£5,526</u>

The applicant has paid the planning contribution by upfront payment (cheque), as such the s106 obligations in respect to this scheme have been discharged.

### **Conclusions**

The proposed development is 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. Prior to the first residential occupation of the barn, the recommendations set out in the flood risk assessment, hereby approved, shall be undertaken. These measures shall be adhered to at all times thereafter. Reason: In order to protect against flood risk and to comply with advice contained in chapter 10 of the NPPF.

### **Relevant Policies**

BES Built environment strategy  
BE1 Design of new development  
BE5 Policy in conservation areas  
BE6 Development affecting listed buildings  
H2 New housing on unidentified sites