

Tuesday, 23 December 2026

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on

Monday, 12 January 2026

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Brook (Chair)

Councillor Billings

Councillor Strang

Councillor Mandy Darling

Councillor Tolchard

Councillor Fox (Vice-Chair)

Councillor Virdee

Councillor Pentney

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

PLANNING COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (To Follow)
To confirm as a correct record the Minutes of the meeting of this Committee held on 8 December 2025.
3. **Disclosure of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **Stoodley Knowle School, Torquay P/2024/0693** (Pages 5 - 46)
Demolition, alteration and extension of existing buildings and construction of new buildings to provide 90 residential dwellings (houses and apartments), including part retrospective permission for plots 6-12 (Meadow Houses), with associated access, car parking, landscaping, infrastructure and associated works.
6. **Stoodley Knowle School, Torquay, P/2024/0694** (Pages 47 - 62)
Listed Building Consent for works to the listed buildings associated with P/2024/0693 (Demolition, alteration and extension of existing buildings and construction of new buildings to provide 90 residential dwellings (houses and apartments), including part retrospective permission for plots 6-12 (Meadow Houses), with associated

access, car parking, landscaping, infrastructure and associated works.

7. **Coach Station, Lymington Road, Torquay, P/2025/0653** (Pages 63 - 76)

Variation of condition in relation to P/2021/0765 (Demolition of existing coach station building, cafe and toilets and creation of 5 new commercial light industrial units (Use Classes E(g) and E(c). Erection of public toilet, 3 new coach bays and associated public realm (as amended)): Condition 17 - (Hours of delivery). Variation sought: To allow deliveries between hours of 07:00 and 22:00 Monday to Saturday, and deliveries not permitted on Sundays and Bank Holidays; amendment to Condition P1 (remediation of anomalies).

Public Speaking

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

We are using hybrid meeting arrangements to give registered speakers the opportunity to either attend the meeting in person to give their views or to attend the meeting remotely via Zoom. If you would like to attend the meeting remotely to speak you will be provided with a Zoom link to join the meeting. We also ask that you provide a copy of your speech to governance.support@torbay.gov.uk, before 11 am on the day of the meeting, so that the Clerk will be able to continue to read out your speech if you lose connection or cannot be heard in the physical meeting. Remote attendees who lose connection may still be able to follow the meeting via the live stream on the Council's YouTube channel.

Councillors who are not members of the Planning Committee will also be able to join the meeting via Zoom and must use their raise hand function to declare any interests.

Site Visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 7 January 2026. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Live Streaming

To encourage more people to engage in our public meetings the Council is trialling streaming our Planning Committee meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

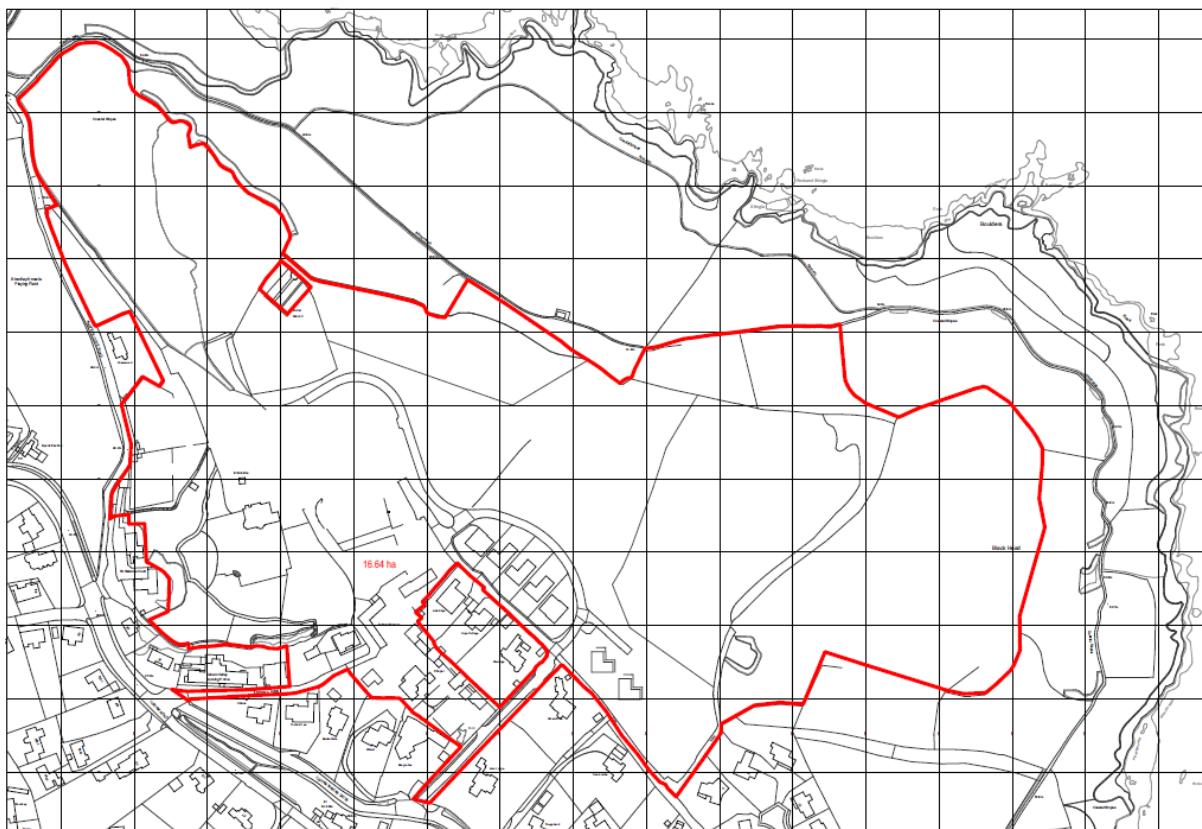
We are also using hybrid meeting arrangements to enable registered speakers to either attend the meeting in person or to attend the meeting remotely via Zoom. **Anyone attending the meeting remotely must register their intention to do so by 11 am on the day of the meeting and provide a copy of their speech to governance.support@torbay.gov.uk by this deadline.**

If anyone attending the meeting remotely loses connection the meeting will continue and their speech will be read out by the Clerk and they will have the option to follow the meeting via the YouTube live stream.

TORBAY COUNCIL

Application Site Address	Former Stoodley Knowle School site, Ansteys Cove Road Torquay TQ1 2JB.
Proposal	Demolition, alteration and extension of existing buildings and construction of new buildings to provide 90 residential dwellings (houses and apartments), including part retrospective permission for plots 6-12 (Meadow Houses), with associated access, car parking, landscaping, infrastructure and associated works.
Application Number	P/2024/0693.
Applicant	Ansteys Cove Development.
Agent	Knight Frank.
Date Application Valid	17.12.2024.
Decision Due date	18.03.2025.
Extension of Time Date	To be confirmed.
Recommendation	Approval subject to conditions and a Section 106 legal agreement (detailed wording at the end of this report).
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones.

Location Plan –



Site Details

The site is the former Stoodley Knowle School, which was an independent girls school which closed in 2015, set within the suburb of Wellswood, Torquay, located on an elevated coastal position between Anstey's Cove to the north-west and Hope Cove to the south-east. During recent years the site has seen the demolition of former school buildings (main block), the provision of a 7 houses and partially constructed apartment blocks, as partial redevelopment pursuant to planning permission P/2019/1330 (MPA) (and P/2019/1334 (LBC)), as amended by S73 applications P/2021/1285 and P/2022/0955 (consent of 90 dwellings (newbuild and conversion)).

The site covers circa 17 hectares and previously comprised of a large complex of buildings along with areas of open meadow, gardens and woodland. The school buildings were primarily located towards the centre and western parts of the site and were a mixture of styles and ages, varying in scale between larger more modern institutional buildings to much smaller more domestically scaled period buildings. The more domestically scaled building group towards the southern border of the site includes buildings that are subject to statutory Grade II or II* listings. The larger complex of more modern buildings central in the site has been demolished pursuant to the previous consent and the open framework of the consented apartment blocks now dominate that area. New development is also present near the main entrance with 7 dwellings at the fringes of the meadow area adjacent to the southern boundary. There is also evidence of discontinued works with the former primary school complex which include a number of listed buildings. This area is referred to as the 'historic quarter' through the submission and this term is used within this report.

In addition to the buildings the site includes various areas of woodland which are located primarily towards the southern and northern boundaries of the site, with smaller pockets of trees located on its other boundaries. Areas of open meadow still predominate the north and eastern half of the site and gardens frame the built form to the southern half of the site.

In terms of context the boundary to the west is bounded by Anstey's Cove Road, from which one of the access routes to the site is located. The southern boundary borders a number of residential properties on Ilsham Marine Drive and there are two further vehicular routes into the site off Ilsham Marine Drive. One access is via Ilsham Close, which is a private lane, and further west sits the previous main access, which is again via a private lane which also serves a handful of existing dwellings as well. The north and east boundaries of the site run along a steep wooded slope above the South West Coastal Footpath, which circumnavigates the coastal border of the site.

The Torbay Local Plan identifies the meadow, open space and woodlands north and east of the internal road through the site as Undeveloped Coast. The western slopes east of the main building group facing towards Ilsham Road is an Urban Landscape Protection Area. The woodland to the south-east and escarpment to the north are Local Nature Reserves. Adjacent to the site the coastal slopes are a designated SSSI (Site of Special Scientific Interest), and in terms of the adjacent marine environment the site is adjacent to the Lyme Bay and Torbay SAC (Special Area of Conservation) and Marine Conservation Zone. The site is also within a Critical Drainage Area and

the lower end of the main entrance drive is identified as being susceptible to surface water flooding.

Description of Development

The application seeks full planning permission for demolition works, alterations and extensions to retained buildings, and construction, to provide 90 dwellings (68 apartments and 22 houses).

Within the 90 dwellings 68 apartments will be provided within three buildings, there will be 14 new-build houses, and 8 houses via the conversion/extension of existing buildings.

The three apartment blocks are to a scale of four and five storeys, set within a loose triangular arrangement. The apartments are mostly 2-bed (x58) but there also 1-bed (x8) and 3-bed (x2) units provided. In terms of appearance the apartment blocks are modern with mixed materials and natural tones used across the floors which seek to respond to the landscape setting. The main materials are a mixture of stone (base level), bronze render (for the middle sections) with a largely glazed upper floor. Car parking for the apartments is located in the immediate vicinity of these buildings, with 89 spaces provided for the 68 apartments.

In terms of the 14 newbuild houses, 7 are proposed within the meadow area near to the main entrance. These 'meadow houses' are completed and are occupied. 2 newbuild houses are proposed in the area of the 'historic quarter', one replacing an existing bungalow which is to be demolished. 3 houses are proposed on higher ground to west of the 'historic quarter', and 2 houses are proposed close to the western boundary of the site overlooking Anstey's Cove Road and Anstey's Meadow. The houses are a mix of 1 and 2 storey in scale.

In terms of the remaining 8 houses provided through conversion and extension of buildings the School Main House (Villa Building) is to be retained and converted into two houses, with parking provided nearby with 6 spaces assigned in addition the 89 spaces afforded the apartment blocks. The remaining 6 dwellings are to be provided within the 'historic quarter'. Again, the houses are a mix of 1 and 2 storey in scale.

In terms of access the majority of the development will use the main vehicular access into the site using the existing road from Ilsham Marine Drive, with 2 dwellings accessed off Ilsham Close further west off Ilsham Mrine Drive. The existing access off Anstey's Cove Road is to be used solely to provide cycle, pedestrian, and emergency access.

As a guide 6 hectares of the circa 17-hectare site is subject to material changes with the bulk of this change being on previously developed land.

The proposals closely align with the form of development consented under P/2019/1330 (as amended to subsequent minor material amendment applications).

Relevant Planning 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")
- The Torquay Neighbourhood Plan ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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.
- Planning (Listed Buildings and Conservation Areas) Act 1990 – Duty under Section 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning History

P/2019/1330: Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure.) Approved 17.06.2021. (and LBC P/2019/1334).

P/2021/1285: Variation to P/2019/1330 (Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure.) Approved 24.03.2022.

P/2022/0955: Variation to P/2021/1285 (Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure.) Approved 24.03.2022.

P/2011/1245: Demolition of house at St Gerard and construction of 2 new houses within the site curtilage (In outline). Approved.

P/2014/1018: Construction of two new dwellings within the site curtilage, illustrating appearance, external landscaping, site layout and dwelling layouts (reserved matters following outline approval P/2011/1245). Approved.

Summary of Representations

A total of 5 public representations have been submitted, one in support and four objecting to the application. The following provides a summary of the main issues identified. Where appropriate the issues raised are discussed further in the Key Issues/ Material Considerations section of this report. The points raised in the objections are as follows:

- Drainage
- Impact on local area including use of flat roofs

- Overdevelopment
- Traffic and access
- Trees and wildlife
- Loss of privacy generally
- Loss of privacy from Plot 20 due to revised location and detail.

- Support the amendment that introduces a pedestrian route via Ilham Close, which improved the scheme and access to shops.
- Support the proposal addressing non-approved amendments to listed buildings.

In addition to the above NHS Devon has raised concern that the development is likely to result in an additional demand on local services and seek an obligation of £55,887 to increase physical capacity of local GP services.

In addition, Torbay and South Devon NHS Trust has raised concern on health provision and that without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. A contribution of £42,113 is sought to be used for gap funding to provide additional health care services to meet patient demand.

Officer comment on NHS/Health requests:

The previous scheme, initially granted under P/2019/1330 and partly commenced, considered similar requests for health care obligations. The tests for obligations were considered, and the requests where not considered to meet the tests and were not sought. The requests were to respond to increased pressure on health services. However, it was outlined that expectations for housing growth within Torbay had been publicly established for some time within the Development Plan which included a significant proportion being delivered through windfall sites aside allocated sites. There is an expectation that almost a quarter of the housing supply for the plan period will be delivered through windfall sites (although sites are generally expected to be minor in scale). It was considered relevant to consider that the Council wasn't demonstrating the expected 5 year housing land supply, which suggested housing growth was lower than that projected within the Development Plan. Which would align with the expected pressure on health facilities from new housing. At that time in the absence of a particular policy to support the notion of health obligations it was not considered justifiable to seek the obligations on what was a windfall site where growth levels were below the levels expected within the Development Plan.

In terms of the current situation the site has had an extant consent for over 4 years for 90 dwellings. In addition the housing delivery shortfall is more acute and the under delivery of housing has increased. There are hence fewer houses (and less resultant pressure on health services) than the plan period expected and more acute than when the previous decision was made. In this context the previous conclusions regarding health obligations are maintained and the obligations are not considered to be reasonable and necessary where housing growth is considerably lower than health providers would have been expecting and planning for through the public information of the local plan, including delivery of housing through the delivery of urban windfall sites such as this.

Summary of Consultation Responses

Torquay Neighbourhood Forum

Aware of the history of this site and have always been keen to see these listed buildings conserved, converted and the site itself brought back into use. Once complete, this will reinstate benefits for the local community through better access to the site's shared green spaces. We appreciate that planning was validated for this development in 2021 and this current application represents small amendments in the main. However, we do have some concerns:

- Support the raised objection to Plot 20 in terms of amenity impacts. Significantly moving the footprint of the property within this plot will not only affect the neighbour but also the visibility of this property from other viewpoints within this sensitive landscape. The changes need to be considered carefully as they have more of an impact on the wider landscape context than the inclusion within this large planning application suggest.
- Uncertain why the application form states that the development hasn't commenced.
- Notwithstanding the history s106 monies should be collected and utilised to support the sustainability of a development of this size and the effect this will have on the local community. Note made to the community aspirations of the Neighbourhood Plan to address traffic management through Wellswood, improving character and environment, and the provision of a safe pedestrian footway along Ilsham Road from the junction with Ilsham Marine Drive to the Ilsham Valley.

Torbay Council Highway Authority (SWISCo)

The Highway Authority holds its objection to the proposal given the site access road does not accord with the current Torbay Highway Design Guide which could disrupt tenders and refuse / recycling wagons, especially with parked cars. Given the inadequacy of the secondary emergency access this must be addressed as a matter of priority.

More information is required together with an update on when works will be completed as agreed under the signed S278 Agreement. No occupation should occur without these works completed.

Other outstanding issues that could be subject of pre-occupation Planning Conditions include:

- Addressing surplus parking for the Historic Quarter and Unique Houses.
- Electric vehicle charging infrastructure.
- Cycle parking provision for Plots 7 to 10.

Torbay Council Drainage Engineer

Latest comments dated 17.12.2025:

Further to the email dated 16th December attaching the revised surface water drainage details for the above planning application, I can confirm that the revised hydraulic design and surface water drainage drawings address the points I raised within my previous consultation response dated 15th December 2025. Providing South West Water approves the controlled discharge from the historic quarter catchment to the existing combined sewer system, I have no objections on drainage grounds to planning permission being granted for this development.

South West Water

The applicant should demonstrate to the local authority's satisfaction that water is discharged as high up the drainage hierarchy as reasonably possible. The proposal is for the majority of the site to discharge to soakaways, which is considered to be acceptable in terms of the run-off hierarchy.

It is noted that the applicant proposes the historical quarter to still discharge to and reuse the existing connection to South West Water combined sewer along Ilsham Marine Drive, discharging at a peak flow of 1.5 l/s, as agreed with SWW and the Council (as Lead Local Flood Authority). The applicant states this arrangement has been agreed with SWW under a previous application. A review will be required to establish whether this proposal is still acceptable. The applicant is advised to contact SWW on this point.

Environment Agency

Recommend that this application is not determined until you are satisfied that sufficient information has been submitted in regard to flood risks. Adequate assessment and any suitable mitigation of flood risks should be proposed to provide confidence that future occupants will not be at significant risks.

Before you determine the application you will also need to be content that the flood risk Sequential Test has been satisfied unless (or until) a site-specific flood risk assessment demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding now and in the future, in accordance with paragraph 175 of the NPPF Dec 2024. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

The reason for these comments is that following the recent update to the National Flood maps, part of the site now lies within the mapped flood zone 2/3. This is along one of the access/egress routes, which joins Ilsham Marine Drive south of the site. Therefore, the submitted Flood Risk Assessment should consider how a range of flooding events (including extreme events) will affect site access. Additionally, noting that access to the site is partly Flood Zone 2 and 3, the FRA should consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Torbay Council Community Safety Team

Further to your recent consultation regarding the above application I would confirm that I have no objection subject to the inclusion of a condition requiring a demolition/construction management plan.

Torbay Council Arboricultural Officer

Satisfied with the woodland management approach which sets out the general aims and objectives for works. As this isn't a specification with any timelines for action it might be difficult to approve it as none of the works are necessary to implement the planning permission. Where the woodlands are within a TPO, it might be better to have a TPO application submitted with timeframes for specific works based on the overall aims and objectives set out in this management plan.

If the management plan was approved as part of the previous planning application, you may wish to approve the management plan for consistency.

In terms of the tree protection plan this seems appropriate and commensurate to the levels of development activity. This could be secured by a pre-commencement planning condition to ensure that the fencing is installed prior to works commencing. If the construction works are phased, phased installation would be a reasonable approach. The arboricultural method statement which underpins the TPP will also need to be secured as this includes monitoring visits by the arboricultural consultant for compliance.

Torbay Council Waste and Recycling Team

I understand that Legal set up the indemnity for the entire site at Stoodley Knowle when they set the one up for the 7 meadow dwellings, so that is already in place. We just need to agree the arrangements and make sure that they are adequate and that access is acceptable. I think that the conditions for the RMP and WMP will suffice for this.

I am not sure whether we considered the request for waste management contributions in the light of the change from private waste collection to local authority collection, would it be possible to request these now for this development?

Historic England

Historic England have previously been involved in discussions regarding revisions to this scheme as well as the unauthorised works. We have no concerns about the changes to the historic section of the development, some of which will improve the landscaping. The views of your specialist conservation and archaeological advisers should be sought.

Principal Historic Environment Officer

No significant objections to the latest scheme from a historic environment perspective. Would suggest with regards to the historic quarter is to remove the reference to the use of a chemical DPC for the existing traditionally constructed buildings. The use of a 6ft timber fence for the amenity area associated with Plot 14 is also discouraged as this would have a detrimental impact on the open character of the courtyard which is an important characteristic of the former agricultural yard.

Should the application be approved, it is recommended that the following details be secured through condition:

Plot 13 – condition securing its delivery prior to the completion of other parts of the site. This is required to ensure that the demolished listed building is securely replaced as part of the overall development. A detailed method spec for its construction should also be secured to ensure that it is built using a traditional, solid wall construction.

- In addition to the point above, using similar wording to the condition attached to the previous approval on the site, I would recommend that a phasing condition be secured which ensures that the development relating to the heritage quarter is positively delivered as part of the overall scheme.
- Details of proposed flooring for listed buildings (are these to be a solid limecrete floor?)

- Sample panels or samples for all external facing materials – it is noted that some external walling within the heritage quarter has already been installed, possibly without authorisation, and is of unacceptable quality with regards to the material used and finished appearance. These unauthorised works will need to be positively addressed through this revised scheme.
- Detailed drawings of all openings, windows and doors, including materials, joinery and reveals, including internal doors for listed buildings.
- Details of all fascias, soffits and sills.
- Details of all pointing and pointing mix.
- Details of rainwater goods.
- Details of all fencing, gates and other mains of enclosures including retaining walls.
- For LBs – condition stating during the works, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.
- All new rooflights shall be of a conservation type and shall be fitted so as to be flush with the existing roof profile, as far as reasonably practicable.
- Where proposed roofs are to be clad in natural slates, they shall be fixed in the traditional manner with nails rather than slate hooks and shall thereafter be retained and maintained in that form.

Devon County Archaeologist

No comments offered.

Torbay Council Ecology Advisor

No further ecological issues arise from the changes in design, that have not previously been addressed within P/2022/0955. The LEMP and EcIA have all be updated to reflect the current progress of the scheme and the proposed changes. Adherence to these reports and the lighting strategy is required. Update comment confirmed a CEMP is required by planning condition. No further ecology comments.

In terms of HRA/AA matters conclude no adverse effects are predicted by the applicant as a result of the construction or operation of the development. The proposed drainage strategy confirms there would be no resulting discharge of untreated effluent to the environment.

In view of the above measures, secured by condition, the competent authority concurs with the applicant's Marine Conservation Zone (MCZ) assessment and concludes that there would be no significant risk that the proposed development would hinder the conservation objectives of the Torbay MCZ as a result of changes to surface water quality.

Natural England

The Appropriate Assessment concludes that Torbay Council is able to ascertain that the proposal will not result in adverse effects on the integrity of the Lyme Bay and Torbay Special Area of Conservation (SAC).

Having considered the AA, and the measures intended to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures (including any new lighting mitigation) as specified in the AA are appropriately secured by conditions in any planning permission given.

Police Designing Out Crime Officer:

In terms of the apartment blocks the addition of the external staircases, which provide access from the car parks to the apartment blocks which is to improve permeability, is welcomed.

Recommend the use of a visitor door entry system and access control system and a vandal resistant external door entry panel linked with a camera should be installed on the communal entrance doors.

A tradespersons or timed-release mechanism will not be supported as they have proven to be the cause of anti-social behaviour and unlawful access to communal developments.

A communal mail delivery system should be provided. If internally fitted, it should be fitted within an entrance area with access control. If it is fitted externally, it should be positioned adjacent to the entrance area. The system should be robust in construction, incorporate anti fishing design and be fire resistant. Individual letter boxes shall have a maximum of 260 mm x 40 mm and it should be covered by CCTV.

The external doorsets to the bin and cycle stores should have emergency egress equipment fitted to the internal side of the door. Thumb turn or crash bar as an example to facilitate emergency egress and to avoid inadvertently locking people inside.

It is recommended that a dusk till dawn lighting solution is considered for any external lighting solutions for the apartment blocks. If PIR lighting is considered this has the risk of causing a fear of crime for residents with the repeated activation.

Wider comments on the development:

It is noted and welcomed that all rear boundary treatment shall meet the height of 1.8m and appear to be robust in construction. It is also welcomed that the rear pedestrian gates providing access into private rear gardens will match adjoining boundary treatments of 1.8m. They should also be lockable from both sides to allow for the resident to secure the gate on entry and exit by means of a key or similar in the interest of designing out crime and preventing unauthorised entry.

In terms of parking areas clarity should be sought if the covered parking is to be secured by means of a gate, roller shutter door or similar. If left open such areas can potentially attract anti-social behaviour or crime, as generally they lack surveillance. There should be a good level of lighting which provides an even and consistent level of lighting throughout the covered parking area so not to leave any dark areas.

A parking bay surrounded by vegetation, or other obstructions (such as utility boxes) may provide cover for suspects to interfere with vehicles. Encroaching or uncontrolled undergrowth can hinder natural surveillance and restrict access for the car user,

Shrubs should be selected to have a mature growth height no higher than 1 metre; trees should have no foliage, shoots or lower branches below 2m thereby allowing a 1 metre clear field of vision.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Residential Development
2. Housing Supply
3. Design and Visual Impact
4. Heritage Impact
5. Residential Amenity
6. Movement and Highway Safety
7. Ecology and Biodiversity
8. Drainage and Flood Risk
9. Low Carbon / Climate Change
10. Affordable Housing

1. Principle of Residential Development

1.1 In terms of the principle of a residential use Policy H1 of the Local Plan states that proposals for new homes within the built-up area will be supported subject to consistency with other policies in the Plan. In terms of this development proposal most of the residential development is within the built up area and hence there is broad accordance with the strategic direction of Policy H1, of steering development away from the undesignated sites in the countryside. In terms of the element of the development that is located outside the built up area this relates to the 7 existing, recently built, detached houses and an element of one of the apartment blocks, which is consistent with the position of these buildings within the previously approved layout under P/2019/1330. It should be noted however that 3 of these dwellings were on previously developed land where tennis courts sat in the meadow area, and there is separate policy guidance towards supporting development on previously developed land within the Development Plan and the NPPF.

1.2 In regard to the broad principle of dwellings within the Undeveloped Coast Policy C2 of the Local Plan does not strategically endorse open general market housing and thus the scheme is considered to present some conflict with Policy C2. However, as a material consideration, again the extent of development within the Undeveloped Coast is consistent with that approved previously, and this positive decision made under a similar policy umbrella for this designation, weighs heavily in favour of supporting the principle of a similar level and form of development in the Undeveloped Coast designation area.

1.3 Further policy guidance on the principle is contained in Policy SS12 (Housing) which reinforces that housing provision will focus upon a sustainable pattern of distribution with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. As a defunct school the site was/is clearly a 'brownfield' site in the main and the site held extensive development, it is also

located in a well-connected sustainable location, and hence there is considered to be broad conformity with the aspirations of Policy SS12.

1.4 Policy SS13 (Five year housing land supply) also presents some broad strategic support in terms of considering housing applications favourably, consistent with other policies, where the supply of housing falls below the 5-year housing supply. This 'favourability' is currently activated as the Council can only currently demonstrate a significant shortfall of less than a 2-year supply, which is more acute than when previously considered and supported under P/2019/1330.

1.5 More broadly Policy SS3 of the Local Plan outlines that the Council will take a positive approach in accordance with the presumption in favour of sustainable development contained within the NPPF. The Policy furthers that planning applications that accord with the policies in the Local Plan (and where relevant in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise. It adds that where policies are out of date* the balance is tilted further, stating that the Council shall grant permission unless material considerations indicate otherwise, taking into account whether adverse impacts of the development demonstrably outweigh the benefits or where specific policies in the NPPF indicate that the development should not gain planning permission. This policy is supportive of the principle and granting permission unless adverse impacts demonstrably outweigh the benefits of the development.

(*the policies most relevant are considered out of date due to the Council's housing supply shortfall).

1.6 In terms of The Neighbourhood Plan Policy TS4 states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. It furthers that development of greenfield sites can have an adverse impact through the loss of green space, so will be supported where it is an allocated site within The Neighbourhood Plan or the loss is required to meet the strategic economic policies within The Local Plan. The policy is considered to broadly support the redevelopment of this former school site.

1.7 Having considered the relevant strategic policies, in terms of the question of principle, it is considered that the development is in overriding accordance with the broad aspirations of the Development Plan. There remains some conflict with the Development Plan in terms of seeking a degree of development within the Undeveloped Coast. However, the level of policy conflict is reduced by a proportion of the site in this area being previously developed land (tennis courts), and any conflict should be weighed against other material considerations such as providing a use for listed buildings and boosting housing supply, which both carry significant weight. There is also weight added through the council's previous positive decision on an almost identical residential proposal under a similar policy umbrella, which should be given considerable weight in favour of granting planning permission.

1.8 It is concluded that the conflict is limited in terms of principle of development and as stated above, there is a much broader level of conformity with the strategic policy ambitions contained within the Development Plan, in terms of seeking to support

and deliver housing development in sustainable locations, the redevelopment of brownfield sites, and the reuse of listed buildings. In terms of the principle of development it is also relevant to consider that a substantially similar scheme was granted consent in June 2021 and this decision, made under a similar policy umbrella, weighs as a strong material consideration in favour of the development.

2. Housing Supply

2.1 The Government published the most recent Housing Delivery Test in December 2024. Torbay's result was 66% (i.e. between 2020/21 to 2022/3 there were only 66% as many completions as the number of homes required). Recently the Inspector considering the Copythorne Road appeal in Brixham agreed the Authority only had a 1.72-year housing land supply. All matters considered there is a significant housing shortage, and the Housing Delivery Test requires that the presumption in favour of sustainable development be applied in accordance with Paragraph 11 of the NPPF. Paragraph 11 of the NPPF states:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [Footnote 8], granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance [Footnote 7] provides a strong reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [Footnote 9].*

[Footnote 7: The policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in Paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change].

[Footnote 8: This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 227].

[Footnote 9: The policies referred to are 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12, regarding affordable housing provision, isolated homes in the countryside, retail uses when out of centre, sustainable locations, movement and safety, the efficient use of land, and

good design].

2.2 There is a clearly stated government objective of boosting the supply of housing. Policies SS3 and SS13 of the Local Plan also set out a presumption in favour of sustainable development separately to the NPPF. Accordingly, the presumption in favour of sustainable development is applied to applications involving the provision of housing and applies here.

Under the presumption, in this instance permission should only be refused where either:

- (i) The application of policies in the Framework that protect the South Hams SAC or designated heritage assets provides a strong reason for refusal (i.e. the “tilted balance” at Paragraph 11(d)i), or
- (ii) The impacts of approving the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (i.e. the “tilted balance” at Paragraph 11(d)ii).

2.3 Development plan policies are taken into account when assessing whether the harm caused would “significantly and demonstrably” outweigh the benefit and as detailed within this report there is broad support across strategic policies and non-strategic policies.

2.4 In accordance with Footnote 8 and Paragraph 11(d) of the NPPF the policies within the Development Plan which are most important for determining the proposal are out-of-date. The presumption in favour of sustainable development indicates that planning permission should be granted unless one of the two circumstances apply as detailed above.

2.5 As concluded within this report neither of the above positions are breached in order to signify the proposal should be refused. The provision of housing and the local housing supply context weighs heavily in favour of the grant of planning permission. This conclusion is informed by there being no ecology or heritage reasons that provide clear reason for refusing the application, so the ‘tilted balance’ is engaged, and the broader conclusions present that it is clearly in the public benefit to grant planning permission and there is no harm that demonstrably outweighs the benefits of the development.

3. Design and Visual Impact

3.1 Achieving good design is a central thread within national guidance and the NPPF offers key guidance on this. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The Paragraph goes on to state 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. Paragraph 135 adds further key guidance including that on functionality, adding to the overall

quality of an area, responding to local character and being visually attractive as a result of architecture, layout and landscaping, and creating safe and inclusive places. In addition, Paragraph 139 states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

3.2 There is consistency with the NPPF across Local Plan Policies SS11 (Sustainable communities) and DE1 (Design). Policy SS11 states that development must help to create cohesive communities within a high-quality built and natural environment. The policy also includes expectations for development to help develop a sense of place and local identity, deliver development of a type, scale, quality, mix and density appropriate to its location, and protect and enhance the natural and built environment. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

3.3 In regard to the Torquay Neighbourhood Plan TH8 cites that development must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings. This is aligned with the general design policy within the Local Plan Policy DE1.

3.4 It is relevant to note that the proposal is principally similar in terms of its arrangement, scale and character to that previously consented under P/2019/1330 and the subsequent minor amendment applications that followed. Running through the main elements of the scheme the following key points are offered below.

3.5 In terms of the apartment block element of the scheme the general form, scale and arrangement is considered consistent with the previously approved form of development. The scheme again presents three apartment blocks in a triangular arrangement over 4 and 5 storeys, located in the area of the previous 'main block' of school buildings. The overall heights have not been increased, and the general composition of the elevations retains a mixed palette of materials. Stone is still proposed for the base floor material, and the recessed upper floors remain light largely glazed features. The key change in materials is for the central floors to be finished in bronze coloured render rather than bronze cladding. The overall composition of earthy natural tones is maintained and the change in material to the previously approved is considered acceptable. A condition should ensure to precise colour is approved to secure the muted earthy tone for the landscape setting. Aside the material changes the key divergence with the current proposal over the previously consented scheme is the removal of undercroft parking within one of the blocks and the reorganisation of the parking arrangement in and around the building group to deliver a similar amount of parking spaces. The revisions to the space and the creation of a semi-enclosed parking deck within the central core is considered to provide a suitably resolved setting to the buildings and is supported. The overall proposition is considered acceptable and presents a suitably positive layout that maintains the previous design ethos, one of modernity that is engrained with natural materials and tones that seek to reflect and integrate with the landscape setting of the site and wider coastal context.

3.6 In regard to the new-build properties the 7 meadow houses are completed in accordance with the previously approved detail and remain acceptable offering contemporary houses that sit comfortably within the landscape setting with mixed materials including stone and slates and render the key materials.

3.7 In regard to the remaining new-build houses (away from the historic quarter) positive pre-application discussions have secured amendments that respect and largely replicate the previously approved form of dwellings. Plots 1 and 2 in the walled garden adjacent to Anstey's Cove Road are largely uncharged and again present simple linear gabled properties, split level, finished in stone and cedar cladding under metal standing seam roofs. The parking and access have been amended slightly but remains largely similar. Plots 3-5 on higher ground to the northwest of the 'historic quarter' again present modern flat-roofed buildings finished in stone and cedar cladding. These are largely unchanged to the detail previously supported. Plot 20, immediately west of the historic quarter, again presents a modern two-storey flat roofed building with an oblique cantilevered upper floor. The building is slightly repositioned but otherwise retains the design ethos of that which was previously approved and is again considered acceptable where the contrast to the "historic quarter" is suitable where it sits to the side relatively separate to the wider grouping. The conversion of the Villa remains in broad accordance with a small extension to one side. This remains acceptable.

3.8 In terms of the final element of the development, the 'historic quarter', again positive pre-application discussions have influenced a submission that largely respects the detail of the consented scheme, whilst also addresses matters on site that progressed that where not in accordance with the previously approved scheme. The scheme is principally as approved however the key changes being proposed include the following:

1. Plot 13: Rebuild of the removed barn in the northern corner in a form sympathetic to the lost historic fabric, and conversion and extension similar to that previously approved.
2. Plots 13 and 14: Access and parking moved to the north presenting a smaller parking court in the 'historic quarter'. The reduction of parking is supported but the detail of fencing to delineate the garden is not and requires reconsideration via a planning condition, to seek to retain a more sympathetic open character throughout the space responding to the complex's previous farm character.
3. Plot 15: Proposals now present a small, detached dwelling in place of the previously approved wing that projected west off the listed barn. The dwelling is small and simple in form, with natural materials, and is a comfortable addition within the wider building group.
4. Plot 18: Presents an amended extension off the listed building towards the amin access road. The proposals closely align with the previously approved extension with a simple link set to the rear of the plot connecting to a more prominent wing providing additional accommodation with a small courtyard created internally with parking crated on the outer side of the new extension away from the listed building.
5. Pedestrian access provided towards Ilsham Close now included and turning head provided for waste vehicles. Both elements acceptable and provide wider movement benefits.

3.9 In terms of landscape and visual impact the application is supported by a Landscape and Visual Impact Assessment (LVIA) which explores the extent of the effect of the proposals on landscape and visual amenity of the site and considers the scheme aside the previously consented proposals as a material consideration. The assessment concludes that the overall conclusions presented in the previous LVIA had not changed as a result of design amendments, and the assessment of effects upon landscape features, landscape character and visual amenity remains valid and relevant. These conclusions are supported considering the scheme is so closely aligned with the extent and form of development previously approved.

3.10 As a further matter of design Policy TH2 of the Torquay Neighbourhood Plan states that new development should provide for a safe environment and consider opportunities to prevent crime or the fear of crime from undermining quality of life or community cohesion. Similarly, Policies SS11 and DE1 of the Torbay Local Plan includes reference that schemes should help prevent and/or design out opportunities for crime and disorder. It is recommended that the design document regarding safety is secured by a planning condition. The development is considered suitable for approval in terms of security of design subject such a condition, in accordance with Policies SS11 and DE1 of the Torbay Local Plan.

3.11 When considering the proposal in the round the scheme is considered well detailed and, where it is still closely aligned with the previously approved scheme, provides a high-quality development that responds positively to the sensitive coastal context, the verdant inland slopes within the site, and the sites heritage assets. As such the proposal is considered substantially in accordance with design and heritage policies contained within the Development Plan and guidance contained within the NPPF.

4. Heritage Impacts

4.1 In terms of the Development Plan Policy TH10 of the Torquay Neighbourhood Plan cites that alterations to Listed Buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance. In doing so, proposals which at the same time contribute to providing a sustainable economic future for such buildings will be particularly supported. In regard to the Torbay Local Plan it guides that development proposals should have special regard to the desirability of preserving any listed building and its setting (Policy HE1), and Policy SS10 requires development to sustain and enhance assets which make an important contribution to Torbay's built and natural setting, and furthers that all heritage assets should be conserved, proportionate to their importance.

4.2 The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 212). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 213). It guides that where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 215).

4.3 The policy landscape above accords with and is aligned to the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

4.4 In regard to designated heritage assets there are a number of listed buildings arranged within a tightly knit group towards the southern boundary of the site. The building group includes the Ilsham Manor Oratory, a small three-storey building with a Grade II* Listing status, the outbuildings to northwest of the Oratory, which are Grade II Listed, and the outbuilding to southeast of the Oratory, which are again Grade II Listed. The listed and non-listed barns within the building group were used as school buildings.

4.5 This group of buildings was subject to extensions and alterations through the development proposals granted planning consent under P/2019/1330. The current proposals largely accord with the aspirations and design principles established under this previous consent but include a number of new solutions/proposals for the grouping. The key changes are:

- Rebuild the demolished barn in the northern corner of the grouping that formed part of the listed range, in a form commensurate with the previous structure but subject to amendments to deliver the conversion to a dwelling similar to the changes previously envisaged.
- The previously approved extension to the south-west of the Cart Shed and Lay Barn West to be separated to and reenvisioned as a detached dwelling (Plot 15).
- Central parking forecourt reduced in size adjacent to the northern listed barn range.
- Plots 13 and 14 parking and access now proposed from the road to the north (parking moved from the parking court – see above reduction in size).
- Introduction of external walkway at ground level between Plots 13 and 14 provides garden access.
- Garage to Plot 19 moved away from the site boundary.
- Extension to Plot 18 near to the main entrance to the historic quarter revised to reduce structural changes to the listed building.
- New pedestrian footpath introduced linking Ilsham Close towards internal road near to Plots 3-5.
- Plot 20 modernist newbuild set to the side of the historic quarter moved west and parking and pedestrian route (see above) introduced to the east of the building.

4.6 As with the previously approved proposals the development and changes sought in this sensitive area is extensive and will serve to change the character of this area of the site. However, in doing so, the proposals again seek to remove elements which are unsympathetic, address harmful digressions from the previously approved scheme, and again involves the delivery of a conversion and extension proposals to ultimately re-use of existing buildings, in a sympathetic traditional style. It is concluded that whilst providing a new context for the heritage assets the revised proposals submitted are well considered, are of high quality, and again manage to strike a

suitable balance which will help to restore the site back to an economic use and ensure that the heritage assets have a sustainable future, or at the very least are repaired to enable a reuse to be found in the longer term.

4.7 In terms of specialist heritage advice Historic England have confirmed that they have previously been involved in discussions regarding these revisions to the previously consented scheme, including a solution for the unauthorised works, and have confirmed that they have no concerns about the changes to the historic section of the development, adding that some of which will improve the landscaping. In terms of local specialist advice, the council's Principal Historic Environment Officer has confirmed that there are no significant objections to the latest scheme from a historic environment perspective and suggests several conditions to secure appropriate outcomes.

4.8 In conclusion it is considered that the scheme, in terms of heritage impacts, delivers a suitable balance where the overall outcome in terms of heritage assets is potentially neutral or fall within the less than substantial harm category. If considered slightly negative rather than neutral again the NPPF guides that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*". As detailed within this report there are demonstrable benefits that would arise from the proposal, principally through the reuse of previously developed land and the provision of housing and funding towards affordable housing.

4.9 The above conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 section 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

5. Residential Amenity

5.1 The NPPF guides (Para 135) that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DE3 of the Torbay Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Torquay Neighbourhood Plan is largely silent on the matter of amenity.

Future occupiers

5.2 In respect of future occupiers the internal living spaces are generously scaled and accord with the minimum space standards outlined within Policy DE3 of the Torbay Local Plan. The units also all benefit from adequate outlook and will receive adequate levels of natural lighting to key living spaces. In regard to outdoor amenity space the dwellings are all afforded generous gardens that exceed the 20sqm expected within the Torquay Neighbourhood Plan and the 55sqm stated within the less recent Torbay Local Plan, and hence there is no conflict with either standard. The

exceedance would appear reflective of the edge of settlement and landscape dominated character so are supported, with no concern on potentially managed “under-development” of the site. In regard to the apartments a number are afforded private outdoor space through terraces and balconies, which is a provision aside the wider use of the retained meadow and other landscaped areas around the building and to the north of the site. The Development Plan seeks a minimum of 10sqm per flat/apartment which can be provided individually or communally. The amenity space proposition for the apartments is considered to accord with policy guidance with extensive amenity space within the site retained for use together with various units being afforded some private space. The use of the meadow as amenity space should be secured by a planning condition to ensure this additional provision is provided and maintained for recreational purposes.

5.3 In light of the above the overall residential environment for future users is considered to be of high quality, in accordance with Policies DE1 and DE3 of The Local Plan and guidance contained within the NPPF.

Adjacent Occupiers

5.4 In respect of neighbouring amenity the relationship across the southern border is the key point where a number of properties sit adjacent.

5.5 In regard to the proposed access it is considered that the impact of vehicular traffic using the main route into and out of the site is unlikely to present any demonstrable impact upon adjacent occupiers. The use of the site for residential purposes presents a form of use that is compatible with the adjacent plots and general residential character of the area, which in certain ways will be less impacting than the previous education use for the site. The extent of traffic flow and noise and disturbance has been considered acceptable through the consent afforded this scale of development under the previous permission.

5.6 In regard to the residential impact of units the 7 houses close to the main access (Plots 6-12) are built in accordance with the previous consent and raise no issues of undue overlooking into adjacent plots where the relationships were previously considered acceptable.

5.7 In regard to the core of the historic quarter the works are considered to have a limited impact upon amenity afforded occupiers due to the limited extent of change to the scale and form of buildings in this area of the site. This is aligned with the conclusions established under the previous planning consent where the basic form of the proposals has been retained.

5.8 The final building that is proposed to the southern border near to existing properties is a new build dwelling that will be served off Ilsham Close immediately to the west of the historic quarter (Plot 20). This building is similar to that previously approved and remains set within generous grounds above Ilsham Close. The building is set further west than previously approved but would not unduly impact the level of amenity afforded neighbouring occupiers across Ilsham Close considering the distance between the proposed dwelling with the main building lines of the two nearby properties being circa 30m from the corner of the first floor living space and circa 34-

37m between the ground floor openings, in addition to the angle between properties, and considering they face across a public road as a front-to-front relationship. There is some public concern and TNF have commented on the impact of this house on neighbouring occupiers however, for the reasons stated, it is not considered to be introducing undue impacts on the amenity afforded adjacent occupiers.

5.9 The wider development would not impact existing amenity due to development being more central within the site or located in frontage location where properties are unlikely to be affected, such as the walled garden dwellings near to Anstey's Cove Road.

5.10 To conclude, for the above reasons the proposed residential environment would appear positive and the development would not unduly impact the level of amenity afforded neighbouring occupiers, which presents development that accords with Policies DE1 and DE3 of The Local Plan and guidance contained within the NPPF.

6. Movement and Highway Safety

6.1 Para 115 of the NPPF states that in assessing specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Para 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

6.2 In regard to the Development Plan Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided. Policy TA3 and Appendix F of the Torbay Local Plan provides key policy guidance for parking within development with houses having an expected requirement of 2 spaces per dwelling and apartments of 1 space, with some degree of visitor parking. There is further advice on the provision of disabled parking and electric charging points. The Neighbourhood Plan supports levels of car parking aligned with those outlined within The Local Plan through Policy TH9.

6.3 The current proposals largely mirror the access and layout proposals previously considered and consented under planning permission P/2019/1330 (as amended), utilising the main access for the vast majority of the development, delivering a pedestrian/cycle and emergency access off Anstey's Cove Road, and have limited access off Ilsham Close (previously 1 house, now proposing 2 houses accessed off this short close). The historic consent was acceptable subject to conditions to secure (1) construction of internal roads to local standards where possible, (2) the submission of a Road Management Plan for the development, (3) the submission of a Waste

Management Plan where the roads aren't subject to an adoption agreement, (4) the submission of a revised Travel Plan, and (5) the delivery of the required minor alterations to the access onto the public highway. Road Management, Travel, and Waste Plans have previously been approved under the most recent amendment application P/2022/0955 for the 7 'meadow' houses.

6.4. Firstly, in terms of access, the use of the main access point and private road for the site has been previously accepted through the recent historic planning consents for a similar amount of development, supported by an emergency access point via the Anstey's Cove Road access. The Highway Authority has not raised any concern on the use of the main access and as with the previous proposals this is considered acceptable, where it would not present undue impact on the network or present a highway safety concern. Revised plans have been received to secure appropriate pedestrian infrastructure with a footways and dropped crossings along the western side of the access before transitioning to a short, demarked, pedestrian route on the carriageway at the upper section where constraints limit the insertion of a footway. The pedestrian provision along this main access is considered acceptable notwithstanding some concern raised by the Highway Authority as it replicates the previously supported provision. In terms of the emergency access no information regarding the physical/operational restrictions to restrict general vehicular use have been provided and this detail and its implementation should be secured by a planning condition. The Highway Authority has also raised some concern on the tracking and entry/exit arrangements for this emergency access however the route was supported and secured as a solution in previous application, and it is considered reasonable to maintain this as part of the proposals in support of the main access.

6.5 In terms of supporting highways works on the main access junction the Highway Authority has requested more information together with an update on when works will be completed as agreed under the signed S278 Agreement. It is considered that no further occupation should occur without these works completed, and it is considered that this matter is to be secured by a planning condition.

6.6. In terms of the internal movement environment the infrastructure is principally similar to that previously considered acceptable under recent planning permission, however there is also a demonstrable improvement through the inclusion of a pedestrian access connection from the western properties (the apartments and plots 3, 4, and 5) to Ilsham Close, improving permeability and walking choices. The Highway Authority has raised a concern regarding movement of vehicles and possible constraints to movement however the consideration of a Road Management Plan can address concerns of potential blockages etc.

6.7 In regard to parking facilities all houses are provided with at least 2 car parking spaces, which is compliant with the expectations outlined within the Torbay Local Plan and the Torquay Neighbourhood Plan. In regard to the 68 apartments there are 89 parking spaces located in-and-around the three blocks. The level of parking accords with the 1:1 parking expectation whilst providing a generous level of overspill / visitor parking. In order to provide clarity on visitor parking it is suggested that a planning condition should ensure that all parking beyond the policy expectation should be demarcated as visitor parking and that 2 spaces be allocated for each of the dwellings contained within the adjacent villa. In regard to the form of parking the Local Plan

seeks a parking provision for disabled persons of up to 10% in development. The proposed layout shows an appropriate level of 'accessible' spaces and this has not been raised as an unaccepted level by highway colleagues. In terms of other specialised parking services the local plan seeks that new flatted development should deliver 20% of available spaces with electric charging facilities. This aspiration should be delivered through a planning condition with amount, location and form considered through condition detailing.

6.8 Considering the points above, and having regard to guidance contained within the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios (Para 116), the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA2 and TA3 of The Local Plan, Policy TH9 of The Neighbourhood Plan, and guidance contained within the NPPF, subject to the conditions discussed above.

6.9 Similar conditions to that previously imposed should be attached to any grant of planning permission, securing roads to be built to adoptable standards where possible, to secure details of ongoing management and maintenance in order to safeguard the residential environment in the longer term, where the highway authority will not be responsible for the upkeep of the roads, to secure appropriate waste collection where private roads may present a private service to collection service, hence it will be necessary to secure by planning condition a waste management plan indicating recycling and waste collections methods in the absence of agreement to adopt the roads.

7. Ecology & Biodiversity

7.1 Policy NC1 of the Torbay Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity.

7.2 In regard to context the site is close to the Lyme Bay and Torbay Special Area of Conservation (SAC), which is a marine designation of international importance, and also the Torbay Marine Conservation Zone (MCZ), again a marine designation but one which is of national importance. Further to these marine environments the Hope's Nose to Wall's Hill Site of Special Scientific Interest (SSSI) runs adjacent to the northern boundary of the Site and comprises of a coastal habitat that is again of national importance. In regard to the site itself there are two *Other Sites of Wildlife Interest* (OSWI) which are of local importance which are principally based around the woodland habitat within the north-western corner of the site and woodland at the eastern edge of the site, away from the development areas proposed.

7.3 In terms of relevant supporting information the application is accompanied by an ecological assessment that has been informed by various targeted ecology surveys. The application is also supported by a shadow Habitat Regulations Assessment (HRA) and Shadow MCZ Assessment that seeks to address likely significant impacts on the somewhat interconnected international and national designated marine environments near to the site.

7.4 In regard to potential impact upon the adjacent marine-based SAC the council has undertaken the necessary HRA in consultation with Natural England, which has concluded that there would be no likely significant effect subject to appropriate mitigation being secured. The County ecologist has confirmed that no further ecological issues arise from the changes in design from the previous application and the LEMP and EclA have been updated to reflect the current progress of the scheme and the proposed changes. The ecologist has confirmed that an updated CEMP will need to be approved by condition. Adherence to these reports and the lighting strategy is required to secure a suitable ecological outcome. Planning conditions are suggested to secure adherence to these documents.

7.5 In terms of biodiversity the application would not be subject to mandatory biodiversity net gain as a part retrospective application. However, biodiversity net gain ambitions are engrained within local and national policy guidance and should be secured by a planning condition. The application is supported by a Biodiversity Net Gain Statement and Assessment which provides a supported structure for delivery, subject to a final detailed design and phasing and implementation strategy.

7.6 Having considered the submitted assessments and received comments the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of The Local Plan, the Torquay Neighbourhood Plan, and advice contained within the NPPF.

8. Flood Risk and Drainage

8.1 Core national guidance is provided in Para 170 of the NPPF, which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future), and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

8.2 In regard to the Local Plan Policy ER1 states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere, which is aligned with guidance contained within the NPPF. Policy ER2 states that all development should seek to minimise the generation of increased run-off, having regard to the drainage hierarchy, whereby surface water should discharge to (in order of priority) i) sustainable infiltration systems, ii) water courses, iii) surface water sewers or highway drains, or iv) combined sewers. The Torquay Neighbourhood Plan is principally silent on drainage in terms of direct policy guidance.

8.3 In terms of context the site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within the Torbay-wide Critical Drainage Area as

designated by the Environment Agency. In addition, the lower end of the access route is also now identified as being susceptible to surface water flooding, which is a material change since the previous application (P/2019/1330) was approved.

8.4 A Flood Risk Assessment (FRA) and detailed drainage proposal have been submitted to support the application. The detail identifies that surface water drainage from this development will be dealt with using a number of different techniques, including communal soakaways, attenuation ponds and a controlled discharge to a combined sewer off the site. The FRA has been amended to recognize the surface water flood risk around the main access and proposes that the risk will be mitigated by the emergency access point off Anstey's Cove Road being available when necessary, during times of flooding of the main access point.

6.5 The NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. The NPPG (National Planning Policy Guidance) provides clarity on the sequential approach and confirms that sequential test should be applied to development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the NPPF, and that Paragraphs 175, 176 and 180 set out exemptions from the sequential test. The NPPG is clear that a proportionate approach should be taken and where a site-specific FRA demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied.

6.5 The Council's drainage engineer has considered the FRA and detailed drainage proposals. The principle of a mixed of solutions as an approach to surface water management is not specifically objected to. This approach was considered acceptable within the previous development proposals consented under P/2019/1330. The detailed system proposed has been reviewed and a number of technical queries were raised by the Council's Drainage Engineer. The required information has now been received and the latest surface water drainage design and revised hydraulic design have addressed the issues raised by the Council's drainage engineer. and the final outstanding issue requires confirmation that SWW are content with the discharge rate that the design is based on. The positive recommendation for this development is subject to this final matter being addressed and a position of support from SWW, prior to the formal grant of planning permission, and delegated authority for officers to continue discussions to resolve any remaining technical issues prior to the formal grant of planning permission.

6.6 In terms of the operational safety of the development from flood risk there is the matter of flood risk safety from existing forms of flooding to consider, in this case the risk of surface water flooding at the lower end of the main access. The FRA proposes that this risk will be managed by utilising the emergency access in times of flooding. This response appears a reasonable measure to protect occupiers and visitors in times of flooding. Greater detail should however be secured to understand the operational arrangement for this, such as how residents and visitors would be informed and for example how the physical operational requirements would be actioned, such as signage and diversion measures. As matters stand it is considered necessary to attach a planning condition to secure a detailed Flood Emergency Action Plan prior to

any further occupation to agree and secure necessary mitigation for the occupational phase of the development.

6.7 Subject to agreement from SWW, there is no objection to planning permission being granted for this development. The proposal, under those conditions, for the reasons above, is considered in accordance with Policies ER1 and ER2 of The Local Plan and advice contained within the NPPF and NPPG.

9. Low Carbon / Climate Change

9.1 Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/ refurbishment of buildings where planning permission is required.

9.2 The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

9.3 The application is supported by an energy statement that outlines the energy credentials of the development. The energy statement details several measures across the building fabric, the potential for low and zero carbon technologies and the potential for renewable energy infrastructure. The submission details a plot-by-plot strategy including air source heat pumps, photovoltaics, and energy efficiency measures.

9.4 The concepts and measures are considered satisfactory and in accordance with the ambitions of Policies SS14 and ES1 of the Local Plan and the advice contained within the NPPF. The proposals present a clear pathway for measures, and it is considered appropriate to engrain the ambitions of the submitted Energy Statement within a planning condition. The location and form of the measures require further scrutiny in terms of visual and heritage impacts, which should be addressed by a restrictive condition for details to be approved.

9.5 The proposal is considered, with an appropriate planning condition, to deliver on the low carbon aspirations of the Development Plan, Policies SS14 and ES1, and the NPPF.

10. Affordable Housing

10.1 Policy H2 of the Torbay Local Plan identifies that development of brownfield sites for schemes of 20+ dwellings should deliver an affordable housing target of 20%, and that the development of greenfield sites for schemes of 30+ dwellings should deliver an affordable housing target of 30%. The development is principally delivered on the brownfield part of the site with a small number of dwellings delivered on greenfield land.

10.2 In terms of historical context the previous planning consent for 90 dwellings, through a formal independent viability process in accordance with Policy H2 and the Council's Planning Contributions and Affordable Housing SPD, established that affordable housing provision was not viable. Possible provision was secured however through a deferred obligation clause up to the sum of £735,940. Hence there was no definitive provision on site or obligation expected, unless it came forward through revaluation.

10.3 In terms of affordable housing for this fresh application a viability position has again been submitted and this has been assessed by an independent viability assessor. This assessment has accepted the principle of applying Vacant Building Credit (VBC), which was previously accepted for the disused school buildings, to offset (and thus reduce) the affordable housing provision in accordance with national guidance, which seeks to aid the deliverability of disused buildings and brownfield sites through offering dispensation for existing disused floorspace. It is considered reasonable to apply VBC as the development is principally a replacement consent for a practicably similar form of development that triggered the recent removal of the disused school buildings.

10.4 Through the viability assessment process it has been concluded that there is a degree of viability and the negotiated Affordable Housing contribution supported by the Council's Affordable Housing Manager is for a financial obligation of £500,000 for offsite provision, secured via a s106 legal agreement. This would be committed to the sole use of delivering much needed Affordable Housing within Torbay and the supported format is for the funding to be received in two stages, 50% (£250,000.00) prior to any further development taking place through the new application and the remaining £250,000.00 on completion of 50% of the proposed units.

10.5 Policy H2 provides the policy basis for off-site financial contributions to be accepted and is supported in this context as the buildings proposed are quite large, there are extensive communal grounds with associated costs that would likely be too high and make the units unattractive for a Registered Provider to purchase. Therefore, even if an on-site contribution of Affordable Housing was viable, it is considered that the best option is to agree a financial sum and provide units offsite.

10.6 The £500,000 which has been agreed would assist in the delivery of more than the suggested units that would be delivered on-site if the scheme was viable. In addition to this, the planning obligation to pay a financial contribution would ensure certainty that the £500,000 would be paid. The amount and stages would be included in any s106 agreement ensuring that this was legally binding on future purchasers of the land.

10.7 The affordable housing position is considered to accord with Policy H2 of the Torbay Local Plan and the Council's Adopted SPD, is supported by the Council's Affordable Housing Mangere, and provides betterment over the previous position established through the previous planning consent, which would likely have seen no obligation come forward.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. The affordable housing funding also carries significant weight as a social benefit.

In addition to the above the proposal the proposal delivers viable future uses and future management (The Oratory) for a number of listed buildings, which are designated heritage assets. The heritage value of this is considered a social benefit.

Impacts on neighbour amenity have been discussed above where it is concluded that there is no undue impact on residential amenity.

On balance, the social impacts of the development weigh in favour of the development

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape in particular the Undeveloped Coast, ULPA; ecology and bio-diversity and surface and foul water drainage. These matters are considered in detail above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ ecological measures to be applied to the development. Moreover, those 'benefits' have to be set against the loss of an area of open greenspace, leading to a change in the local environment and landscape. These impacts are not considered to be significant however.

The proposed development is in a sustainable location inasmuch as it is borders and forms part of the existing urban area and is located in close proximity to local amenities and good public transportation links.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Local Finance Considerations

S106:

Affordable Housing

As detailed fixed obligation of £500,00 for the provision of offsite affordable housing is supported by the council's Affordable Housing Manager. 50% to be paid prior to any further development, 50% to be paid prior to completion of 50% of the dwellings.

Sustainable Development Obligations

Major development that is not CIL Liable (as in this case) should be subject to the provisions of the Council's Planning Contributions and Affordable SPD in order to deliver necessary mitigation in terms of community infrastructure. The SPD outlines obligations towards the following;

- Greenspace and Recreation
- Sustainable Transport
- Education
- Lifelong Learning
- Waste and Recycling

As discussed above the development has been subject to an independent viability assessment that has concluded that there is a substantial gap in terms of the current profitability level and the level where affordable housing or other obligations could be secured. In regard to addressing this issue it is proposed that a deferred obligations clause for the matters above should be secured within any accompanying S106 aside the fixed affordable housing obligation of £500,000.

CIL: The development would not be CIL liable. The site sits within CIL Charging Zone 3 and residential schemes of 15 or more dwellings within Charging Zone 3 will not be charged CIL. Community infrastructure considerations framed through the Council's Adopted Planning Contributions and Affordable Housing SPD.

EIA/HRA

EIA:

The local planning authority is required to determine whether a project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations. If the development is listed in Schedule 1 an Environmental Impact Assessment is required in every case. If the development is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

The development is listed in the first column in Schedule 2 of the 2017 Regulations as an urban development project (10b) and it exceeds the relevant thresholds and criteria in that the overall area of the development exceeds 5 hectares. The project therefore needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.

The screening concludes that 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.

HRA:

A Habitat Regulations Assessment / Appropriate Assessment has been carried out for this development on consultation with Natural England.

It is concluded that the proposed development is unlikely to have a significant effect on the South Hams SAC or the Lyme Bay and Torbay SAC subject to conditions.

Due to the scale, nature and location this development will not have significant effects on the South Hams SAC or Lyme Bay and Torbay SAC, subject to the conditions proposed in this report and subject to securing the proposed mitigation measures.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing. As the Council's current housing supply figure is less than 2 years the supply of housing should carry significant weight.

There is a degree of conflict with Policy C2 in terms of providing residential development within the Undeveloped Coast, however this conflict should be balanced with the significance of any impact, which is considered minor when considering the amount of development, its location within the less sensitive areas of the site, and also the level of screening present from the wider landscape and topography of the area. This presents development with limited harm.

With the identified conflict and harm considered to be limited aside a broader level of harmony with the Development Plan, and the NPPF when considered as a whole, the provision of housing and the provision of affordable housing (through a planning obligation) it is deemed to provide a proposal that is acceptable on balance.

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.

Proactive Working

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.

In this instance substantial amendments have been secured prior to the submission to reduce the extent of development within the Undeveloped Coast in order to reduce its resultant impact upon the coastal setting, together with securing additional information to address concern regarding potential impact upon the setting of the listed buildings, and design changes to improve the level of retained amenity on the southern border to the east of the access. It is now concluded that this application is now acceptable for planning approval.

Conclusions and Reasons for Decision

Although the site is not identified for housing within the Development Plan the provision of housing is considered an acceptable use where there is an established residential character adjacent and the residential redevelopment of the site has been recently approved through a 2019 planning application. In addition, in light of the Council's current shortfall in terms of its 5-year housing land supply, the housing provision also presents significant benefits in terms of housing provision, which carries significant weight in favour of the application. There is also an agreed affordable housing obligation of £500,000 to provide affordable housing offsite, which is a further

significant public benefit.

All matters considered the proposal is considered to present an acceptable redevelopment of a defunct school site with a well-considered layout and form of development that, in accordance with the previously approved scheme, limits any resultant impact upon the coastal context and landscape character.

The form of the development and the choice of materials and accompanying landscape detail will, as with the previously approved scheme, present a high quality development that responds to the design aspirations of the Development Plan and the NPPF.

There would be no unacceptable impacts upon the highway safety or neighbour amenity, and ecological mitigation has been established to ensure that there are no undue impacts or significant effects upon designated habitats, subject to securing adequate mitigation through the use of planning conditions. Revised details of the detailed surface water drainage scheme are currently being considered and should be positively resolved prior to the grant of planning permission to ensure flood risk is not increased by the development.

As detailed within the report there is a degree of discordance with the Development Plan in terms of some encroachment into the Undeveloped Coast. Officers consider the impact of some development within the Undeveloped Coast does not warrant refusal of the application and the Council's previous decision to grant planning permission for a similar form of development sits positively in favour of the development. Having regard to the lack of 5 year housing land supply Policy C2 of the Torbay Local plan which seeks to protect the Undeveloped Coast is out of date so carries limited weight.

In-line with the above conclusions and the detail contained within this report the proposals are considered to be in general accordance with the provisions of the Development Plan. The NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. In the absence of material considerations that weigh sufficiently against the proposal the Officer recommendation is one of approval, subject to suitable conditions and S106 Legal Agreement.

Officer Recommendation

Approval: Subject to;

1. Subject to a surface water drainage system acceptable to Officers, delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency.
2. Planning conditions as outlined within the report, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency, and;
3. The completion of a S106 Legal Agreement to secure an Affordable Housing obligation of £500,000, and to include the provisions outlined within the report

on terms acceptable to Officers, delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency.

With the resolution of any new material considerations that may come to light following Planning Committee to be delegated to Divisional Director of Planning, Housing, Transport and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Proposed Conditions:

1. Construction Method Statement - PCFD

Prior to the commencement of any further development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012- 2030. These details are required prior to any further development to ensure that neighbour amenity and highway safety is duly protected.

2. Written Scheme of Investigation – Compliance

The development shall be implementation in full accordance with the programme of archaeological work (Project Design for a programme of archaeological monitoring, excavation and recording: Document Number ACA0115/2/0: AC Archaeology: Dated November 2024).

Reason: To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012 - 2030 and the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.

3. CEMP - PCFD

Prior to the commencement of any further development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing. The construction phase of the development shall be undertaken in strict accordance with the approved CEMP.

Reason: In order to protect ecology and designated ecological sites to accord with Policies ER1, ER2, NC1, SS8 and C2 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF. These details are required prior to any further development to ensure that ecology and landscape features are duly protected.

4. LEMP – compliance

The development shall proceed in full accordance with the submitted and approved Landscape and Ecological Management (Plan Ref: 0283-LEMP-LY: GE Consulting: February 2023).

Reason: In order to protect the visual character of the area, ecology and designated ecological sites, in accordance with to accord with Policies C2, ER1, ER2, NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

5. Ecology Mitigation Measures – compliance

The development shall proceed in full accordance with the submitted and approved Ecological Impact Assessment (Report Ref: 0283a-EcIA-LW: GE Consulting: 04.11.2024)

Reason: In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

6. Woodland Management – compliance

The development shall proceed in full accordance with the submitted and approved Preliminary Woodland Management Plan (Advanced Arboriculture; Dated 24th September 2019).

Reason: In order to protect the visual character of the area and ecology, in accordance with Policies C4, NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

7. Tree Protection – compliance

The construction phase shall proceed in full accordance with the submitted and approved Tree Protection Plan and Arboricultural Method Statement (Advanced Arboriculture: Dated 07.10.2024). All tree protection fencing shall be installed prior to any further commencement of development and shall be retained during the construction phase, unless a phased approach to tree protection fencing is submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

8. Hard and Soft Landscaping

Prior to any further occupation a phasing plan for the delivery of all hard and soft landscaping hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The hard and soft landscaping shall be completed in strict accordance with the approved phasing and retained thereafter.

Notwithstanding detail within the approved plans prior to the occupation of Plots 13,14 or 16 within the 'historic quarter' an alternative mean of enclosure to the specified '1.8m high venetian fencing' shall be submitted to and approved in writing, proposing a detail that seeks to respond positively to the open character of the former agricultural yard. The alternative approved enclosure shall be installed in full prior to the occupation of Plots 13,14 and 16 and retained as approved at all times thereafter without variation.

Reason: In the interests of visual character of the area and historic setting of listed buildings in accordance with Policies SS10, DE1 and C2 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

9. Landscape Implementation

All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season following the occupation of the buildings, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with Policies NC1, C4, SS10 and DE1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

10. Drainage – now compliance

Prior to the first occupation of any dwelling the surface water management system serving that dwelling shall be delivered in accordance with the submitted surface water drainage strategy (Craddys 50353-62 Rev. P03 dated 16.12.2025 and Craddys 50353-065 Rev.P03 dated 16.12.2025). The surface water drainage system shall be maintained as such for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and to ensure no significant effect on protected marine sites, in order to accord with Policies ER1, ER2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

11. Flood Emergency Action Plan

Prior to any further occupation of the development, a Flood Emergency Action Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of flood warning procedures, safe evacuation routes, and emergency contact arrangements. The approved plan shall be implemented and maintained for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and to ensure no significant effect on protected marine sites, in order to accord with

Policies ER1, ER2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

12. Highways 1

The construction of the internal roads and footpaths within the internal layout shall be in accordance with the Torbay Highways Design Guide for new developments where possible.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2, SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

13. Highways 2 – amended to PFO

Notwithstanding submitted detail prior to any further occupation of the development a Road Management Plan (RMP) shall be submitted to and approved in writing by the Local Planning Authority, which shall seek to ensure that there is an appropriate scheme of maintenance and which ensures a minimum clear way is maintained at all times for delivery and emergency vehicles.

The RMP shall include a plan identifying the extent of the internal road network subject to the Plan. The approved RMP shall be implemented and remain operational throughout the life of the development.

Reason: To protect amenity and ensure highway safety is not impaired, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

14. Highways 3 – amended to PFO

Prior to any further occupation, in the absence of an agreement between the developer and the Council as Highway Authority under Section 38 of the Highways Act 1980 for the adoption of the estate roads, a Waste Management Plan indicating recycling/waste collection methods shall be submitted to and approved in writing by the Local Planning Authority.

The approved Waste Management Plan shall be implemented in full prior to any further occupation of the development and shall be sustained at all times thereafter to deliver the necessary waste collection and recycling services to serve the development.

Reason: To ensure satisfactory waste collection services in accordance with Policies W1 and W2 of the Torbay Local Plan 2012-2030.

15. Highways 4 – now compliance

The approved Travel Plan (AWP: Ref 0624 Rev B: Dated 23.08.2024) shall be implemented in full prior to any further occupation of the development and shall be retained as a working document thereafter throughout the life of the development.

Reason: To ensure sustainable travel modes are duly promoted, in accordance with Policies TA1, TA2, SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

16. Highways 5 - new trigger - PFO

Prior to any further occupation of the development the required alterations to the public highway (Ilsham Marine Drive) in the vicinity of the main entrance, to deliver the proposed junction markings and pedestrian crossing points, as detailed within the approved plans, shall be completed in full under an appropriate licence from the Highway Authority.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2, SS11 and DE1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

17. Highways 6 (new) - emergency access - details of system PFO

Prior to any further occupation details of the physical measures to limit vehicular use of the access from Anstey's Cove Road and deliver a 'sustainable modes' access for pedestrians, cyclists and for use as an emergency access only, shall be submitted to an approved in writing by the Local Planning Authority. The approved details restricting general vehicular use shall be completed and the access made available for its designed use prior to any further occupation of the development, unless an alternative phasing is submitted and agreed in writing by the Local Planning Authority. Once installed the measures shall be maintained for such purposes through the lifetime of the development.

Reason: In interests of safety and amenity and in accordance with Policies DE1, DE3, SS10, TA2 and TA3 of the Torbay Local Plan 2012-2030.

18. Parking provision 1

Prior to the first occupation of any dwellinghouse hereby approved the parking facilities to serve that dwellinghouse shall have been provided in full. These elements shall thereafter be retained as parking facilities for the life of the development without variation.

Reason: In accordance with highway safety and amenity, and in accordance with Policies DE1, SS10 and TA3 of the Torbay Local Plan 2012-2030, Policy TH9 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

19. Parking provision 2

Prior to the first occupation of the apartments the parking spaces hereby approved, including demarking accessible spaces for disabled users, and charging points approved pursuant to Condition 18, and the manoeuvring areas, shall have been provided in full. These elements shall thereafter be retained for the use of the associated dwellings for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

20. Parking provision 3 - visitors

Prior to the first occupation of the apartments details of the visitor parking spaces, including their number, location, and means of management, shall be submitted to and approved in writing by the Local Planning Authority. The approved visitor parking

spaces shall be provided, clearly marked, and made available for use prior to occupation and shall be retained for that purpose thereafter.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

21. Parking 4

Prior to the first occupation of the apartments a scheme for the delivery of no less than 20% of the associated parking spaces being provided with electric vehicle charging facilities shall have been submitted to and approved in writing by the Local Planning Authority, including the physical form of infrastructure and location. The facilities shall be implemented and made operational in full prior to the occupation of the apartments and shall be retained at all times thereafter.

Reason: To secure appropriate levels and form of electrical charging points in accordance with Policies TA3, SS11 and DE1 of the Torbay Local Plan 2012-2030.

22. Cycle provision

Prior to the first occupation of any dwellinghouse or apartment block the cycle store facilities to serve that dwellinghouse or apartment block, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the development. Once provided, the storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030.

23. Waste provision

Prior to the first occupation of any dwellinghouse or apartment block the waste and recycling storage facilities, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the development. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

24. PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 (or any Order revoking or revising that Order) the following forms of development are not permitted, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority;

- No additional means of enclosures,
- No additional hardstandings,
- No additional extensions, or outbuildings (with the exception of one incidental structure to each independent dwellinghouse located outside of the 'historic

quarter' (including Plot 20) up to 10 cubic metres in volume.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development in accordance with Policies SS10, SS11, C2, DE1 and DE3 of the Torbay Local Plan 2012-2030.

25. External Lighting – compliance wording

All external lighting shall accord with the submitted and approved Lighting Strategy, referenced 'Stoodley Knowle Site Wide External Lighting Report' (Reference: STD-ORB-XX-ZZ-RP-E-8000). 09.09.2024 and STD-ORB-XX-ZZ-DR-E-8000 P01 'Site Wide External Lighting drawing'.

The development shall proceed in full accordance with the approved lighting strategy and plan, and no additional external lighting shall be incorporated within the development.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development in accordance with Policies SS10, C2, NC1, DE1 and DE3 of the Torbay Local Plan 2012-2030 and the NPPF.

26. Oratory Management – amended PFDHQ

Prior to the commencement of any further development within the 'historic quarter' the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Detailed protection measures during the construction phase for the Oratory.
2. A detailed management plan for the long-term management of the Oratory.

The construction and operational phases of the development shall at all times be in accordance with the approved details.

Reason: To ensure appropriate measures for the long-term management of the heritage asset are secured, in accordance with Policies SS10 and HE1 of the Torbay Local Plan and the Torquay Neighbourhood Plan, and NPPF.

27. Detailed design 1

Prior to installation of external materials outside of the 'historic quarter' details of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. A sample (physical or digital) of the proposed natural stone and its arrangement.
2. A sample (physical or digital) of the proposed render including colour for each dwelling or apartment block.
3. A sample (physical or digital) of the proposed roof materials and colour where applicable.
4. A sample (physical or digital) of the proposed timber cladding.
5. A sample (physical or digital) of the proposed rainscreen cladding including colour.
6. A sample (physical or digital) of proposed brick and other ancillary materials.
7. Details of all fencing and other mains of enclosures including retaining walls.
8. Details of location and form of all energy externally fitted energy infrastructure (PVs, air source heat pumps etc).

The development shall proceed in full accordance with the approved detail.

Reasons: In order to protect visual character and heritage assets in accordance with Policies C2, DE1, HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH10 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

28. Detailed design 2

Prior to the commencement of any further development within the 'historic quarter', excluding demolition and groundworks, details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. A physical sample of the proposed stone shall be available on site and made available for inspection by the Local Planning Authority following reasonable notice. The sample shall be in the form of a 2m x 2m stone panel. The stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used.
2. Samples of all proposed external materials to be used (including roof materials), with physical samples available for all materials to be used within listed buildings.
3. Detailed drawings of all openings, windows, doors, roof lights, including materials, joinery and reveals.
4. Details of all fascias, soffits and sills.
5. Details of all pointing and pointing mix.
6. Details of rainwater goods.
7. Details of all fencing, gates and other mains of enclosures including retaining walls.
8. Details of location and form of all energy externally fitted energy infrastructure (PVs, air source heat pumps etc).

The development shall proceed in full accordance with the approved detail.

Reasons: In order to protect visual character and heritage assets in accordance with Policies HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH10 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

29. Schedule of Works

The development shall proceed in full accordance with the submitted and approved schedule of works for the 'Historic Quarter'.

Reason: To protect visual character and heritage assets in accordance with Policies HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH10 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

30. Phasing

No more than 60 dwellings shall be occupied until the development and conversion of the listed buildings identified within the 'Historic Quarter' has been fully completed in accordance with the approved plans, unless a specific phasing strategy for the delivery of the heritage works associated with the listed buildings has been submitted to and approved in writing by the Local Planning Authority. In the event of an approved phasing strategy the development shall accord with the approved strategy.

Reason: To secure the works to heritage assets, which are an integral element to the scheme in terms of public benefit, in accordance with Policies SS10, HE1 and C2 of the Torbay Local Plan, Policy TH10 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

31. Public open space

Following occupation of the development the undeveloped coastal meadow to the north of the spine road serving the development shall be made available for recreational public use and maintained for such purposes at all times thereafter.

Reason: To secure appropriate outdoor amenity space for the apartments and to improve public access to the coastal environment, in accordance with Policies DE3, DE1 and C2 of the Torbay Local Plan 2012-2030.

32. Energy Measures

Prior to the occupation of any dwellinghouse or apartment block the energy measures identified within the submitted and approved 'Energy Strategy' (Service Design Solution Ltd: Dated 06.12.2024) shall be implemented and made operational. The measures shall thereafter be retained in full.

Reason: To secure appropriate form of development and to accord with Policies SS11, DE1, SS14 and ES1 of the Torbay Local Plan 2012-2030 and the NPPF.

33. Secure by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable.

Development shall take place in accordance with the approved details and shall be fully implemented prior to the occupation of the building(s) to which it relates. The scheme shall be retained and maintained for the lifetime of the development.

Reason: In the interests of crime prevention in accordance with Policies SS11, DE1, DE3 of the Torbay Local Plan and the NPPF.

34. Biodiversity net gain

Prior to any further occupation a detailed Biodiversity Net Gain Plan, which responds to the strategy and ambitions for net gain within the submitted and approved Biodiversity Net Gain Statement and Assessment (GE Consulting: 04.11.2024), shall be submitted to and approved in writing by the Local Planning Authority, together with the phasing and implementation strategy.

The development shall proceed in full accordance with the submitted and approved detail, phasing and implementation strategy.

Reason: To secure an acceptable form of development in accordance with Policies SS8, SS9 and NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS10 - Conservation and the historic environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C2 - The Coastal Landscape
C4 - Trees, hedgerows and natural landscape
H1LFS - Applications for new homes_
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
W1 - Waste management facilities
NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TH8 - Established architecture
TH9 - Parking facilities
TH10 - Protection of the historic built environment
TT2 - Change of Use in Conservation Areas and Listed Buildings
TE5 - Protected species habitats and biodiversity
TH2 - Designing out crime
TTR2 - Sustainable Communities
THW4 - Outside space provision
THW5 - Access to sustainable transport

TORBAY COUNCIL

Application Site Address	Stoodley Knowle School, Anstey's Cove Road Torquay TQ1 2JB.
Proposal	Listed Building Consent for works to the listed buildings associated with P/2024/0693 (Demolition, alteration and extension of existing buildings and construction of new buildings to provide 90 residential dwellings (houses and apartments), including part retrospective permission for plots 6-12 (Meadow Houses), with associated access, car parking, landscaping, infrastructure and associated works.
Application Number	P/2024/0694
Applicant	Ansteys Cove Development
Agent	Knight Frank
Date Application Valid	17.12.2024
Decision Due date	11.02.2025
Extension of Time Date	01.08.2025
Recommendation	Approval; subject to conditions (detailed wording at the end of this report)
Reason for Referral to Planning Committee	Linked to Major Development
Planning Case Officer	Scott Jones

Location Plan –



Site Details

The site is that of the former Stoodley Knowle School, which was an independent girls school which closed in 2015, set within the suburb of Wellswood in Torquay and located on an elevated coastal position between Anstey's Cove to the north-west and Hope Cove to the south-east. Towards the south of the site sit a group of buildings, some of which are listed, which are summarised below.

Ilsham Manor Oratory – Grade II* Listed - A three-storey small rectangular building of circa 15th century origins, which represents one of three surviving medieval structures at Ilsham. These are associated with a grange established by the nearby Premonstratensian Abbey of Torre.

A range of outbuildings to the northwest of Ilsham Manor Oratory – Grade II Listed, which are former farm buildings of potential medieval origins, which have been much altered in the 20th century.

Outbuilding to southeast of Ilsham Manor Oratory – Grade II Listed, which is an outbuilding now converted into a classroom, again with possible medieval origins, and rebuilt in the 19th century.

More broadly the site covers a total of 17.4 hectares without further listed buildings or structures away from the aforementioned grouping.

Description of Development

Listed Building Consent is sought for associated works to facilitate (in part) the wider proposals for the redevelopment of the site to provide 90 dwellings, comprising 68 apartments, 14 new-build dwellings and 8 dwellings via the conversion of and extension to existing buildings.

Listed Building Consent is therefore sought for all works of demolition, alteration or extension to the listed buildings.

The objectives of the works are to facilitate the conversion of the buildings into habitable space and housing, and thus to secure ongoing uses for the listed buildings. The works to convert, alter and extend the existing heritage assets include the removal of inappropriate C20th additions and to address more recent works undertaken outside of the framework of the planning permission and restrictive conditions granted through planning and listed building consents P/2019/1330 (as amended) and P/2019/1334.

The proposed development provides a total number 6 houses through conversion, extension and alterations.

Northern Range of Barns (Plots 13, 14, 16)

The proposals include the extension east off the end elevation of the existing Lay Barn to provide a replacement 'Tithe' Barn and a replacement 'Threshing' Barn. The extensions/new build, together with elevation and internal alterations to the existing L-shaped Cart Shed and Lay Barn, seeks listed building consent works to deliver the 3

houses that are proposed within the accompanying full planning permission P/2024/0693. In more detail the works include:

New Building 1 (Threshing Barn)

The proposal includes the rebuilding of a recently removed barn, constructed in a traditional manner with local solid stone walls as close to the original as possible. The roof is intended to be formed from exposed timber trusses to mimic the previous detail, with the roof to be finished in slate similar to the wider amendments proposed for the roof covering within the group. Openings are minimal to respect the former appearance of the barn and the previous approved detail. Two small timber window openings are proposed off the southern elevation and timber doors are proposed in the north and south elevations. Small rooflights provide further natural light. The approach is supported by the Council's Historic Environment Officer and Historic England as an acceptable solution to address the recently removed barn.

The submitted schedule of works details the proposed works to be the rebuild in accordance with approved plans and specifications, taking into consideration requirements from the Heritage officer. Concrete foundations proposed with radon protection to ground floor slab. The extension to be constructed in line with approved plans and specifications. The schedule details the expected construction material to be Load bearing masonry walls with local stone external leaf. Slate roof with timber king or queen post truss, timber purlins spanning between trusses and softwood common rafters. Limecrete to be used in place on concrete. Radon protection measures to be introduced as required.

As a point of note the submitted design and access statement details chemical DPCs, which is not supported. The schedule states limecrete, which is supported.

New Building 2 (Tithe Barn)

Newbuild infill between the existing Lay Barn and the proposed replacement Threshing Barn detailed above. The 'Tithe Barn' presents an infill higher than the two attached buildings informed by historical analysis, referenced from the remaining wall to the northeast elevation of the Lay Barn. The form of building is closely aligned with the previously approved scheme with limited openings to the northwest elevation and continuous windows at first floor level facing southeast. Windows and doors are again timber and the elevations finished in stone under a slate roof. The building will provide accommodation across Plots 13 and 14, separated at ground floor by an access tunnel.

The submitted schedule of works details the extension to be built in line with approved plans and specification. Foundation works to be detailed and sequenced so not to undermine existing walls during construction. It furthered that the expected construction material is to spread foundation onto rock or stiff clays, with a beam and block suspended floor with radon protection and load bearing masonry cavity walls. Timber first floor with 18mm ply deck roof from trussed rafters, slate finish to approved details.

Conversion of Lay Barn and Cart Shed

The Western part of the existing Lay Barn together with the narrow Cart Shed that runs south is to be altered to provide a house. The existing roof to the barns will be replaced to support the repurposing of the building for habitable use, which will also

be finished in slate. Externally, the elevations of the existing barn will generally be retained and where necessary restored. Within the east elevation of the cart shed existing openings with concrete infill sections will be reopened with new windows / doors to fill to the width of the stonework opening. This is similar to the previously approved design. More widely opening will be minimal to respect the historic character of the buildings. Windows and doors are again timber.

The submitted schedule of works details masonry repairs as required, to specialist details, repointing as required, timber floors repaired like for like as required, and possible new floor slab. Works to stabilise gables and part demolished walls may need to be agreed.

Extension and Conversion of Shippon Barn (Plot 17 Northwest of the Oratory)

Proposals seek to convert the existing building and to provide a new building to the northwest to enable conversion and occupation as a house, with small courtyard behind. The proposals remain largely as per those previously approved. Changes include minor internal layout alterations and the creation of a larger private amenity space to the northwest of the existing building connected by a lightweight link. Externally, the elevations of the existing barn will generally be retained and where necessary restored, with alterations to window openings where appropriate to suit the proposed internal layout. As with other buildings the roof will be replaced with slate. The extension will be finished in natural stone. A sample will be required to ensure the form of build and material are appropriate for this and other new stonework. Windows and doors are again timber and the high level timber joinery facing northwest reflects the fenestration of the larger new building to the northwest.

Conversion and Extension to Playschool (Plot 18 Southeast of the Oratory)

Proposals for the Playschool building seek to introduce a first floor and extend via a recessed link southeast to further single storey accommodation. The current proposals retain the general form of the previously consented detail. The existing walls will be repaired. The link will be modern glass and standing seam structure set deep into the plot. The new wing will be finished in stone under a slate roof, to match the change in roof material to the host building. Windows and doors will be timber and small rooflights will be added to the roof. The porch detail will also be repaired and reformed.

Conversion of Ilsham Manor

Not specifically listed, arts and craft building style building, with the elevations of the original building generally be retained and where necessary restored. Extensions removed and existing finish to remain, repaired & made good where necessary. New stonework will be approved via a sample panel secured by a planning condition.

Works will include the repair of areas of localised cracking and repair works using appropriate methods and compatible materials. The existing roof is to be retained and where necessary repaired. New aluminium windows will replace existing, and a stone finished garage is proposed to the rear.

The Chapel / Oratory

Previously the historical application stated that the elevations of the existing Chapel will be retained and where necessary restored, and also that works will include the repair of areas of localised cracking using appropriate methods and compatible

materials and that the existing roof is to be retained and where necessary overhauled including new lead flashings and rainwater goods to ensure weather tightness. It was also stated that a full schedule of works will be prepared by a structural engineer and agreed with the Local Authority Conservation Officer prior to commencement of works on site.

The current proposals are principally silent on the Oratory and hence there are no LBC considerations. As a point of note the accompanying full planning application is suggested to be conditional to a Management Plan for this designated heritage asset, to help deliver some long-term management as part of the wider residential change of use around it.

Relevant Planning 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")
- The Torquay Neighbourhood Plan ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (NPPG)
- 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.
- Duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16(2): 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

Applications:

P/2019/1334: Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure. (*Associated Listed Building Consent to P/2019/1330*). Approved

P/2024/0693: Demolition, alteration and extension of existing buildings and construction of new buildings to provide 90 residential dwellings (houses and apartments), including part retrospective permission for plots 6-12 (Meadow Houses), with associated access, car parking, landscaping, infrastructure and associated works. Linked application seeking Full Planning Permission to this LBC. Pending

Consideration.

Summary of Representations

Wider planning objections and support detailed within the accompanying full planning permission P/2024/0394 that the proposal positively addresses existing degressions from the previous consent to the benefit of the listed buildings.

Summary of Consultation Responses

Historic England:

Historic England have previously been involved in discussions regarding revisions to this scheme as well as the unauthorised works. We have no concerns about the changes to the historic section of the development, some of which will improve the landscaping.

We suggest that you seek the views of your specialist conservation and archaeological Advisers.

Principal Historic Environment Officer:

Confirm that there are no significant objections to the latest scheme from a historic environment perspective. The only minor amendment I would suggest with regards to the historic quarter is to remove the reference to the use of a chemical DPC for the existing traditionally constructed buildings – this would very likely be harmful to the functionality of the existing fabric of the building and its use was discouraged during the pre-application process. The use of a 6ft timber fence for the amenity area associated with plot 14 is also discouraged as this would have a detrimental impact on the open character of the courtyard which is an important characteristic of the former agricultural yard.

Should the application be approved, it is recommended that the following details be secured through condition:

- Plot 13 – condition securing its delivery prior to the completion of other parts of the site. This is required to ensure that the demolished listed building is securely replaced as part of the overall development. A detailed method spec for its construction should also be secured to ensure that it is built using a traditional, solid wall construction.
- In addition to the point above, using similar wording to the condition attached to the previous approval on the site, I would recommend that a phasing condition be secured which ensures that the development relating to the heritage quarter is positively delivered as part of the overall scheme.
- Details of proposed flooring for listed buildings— are these to be a solid limecrete floor?
- Sample panels/samples for all external facing materials – it is noted that some external walling within the heritage quarter has already been installed, possibly without authorisation, and is of unacceptable quality with regards to the material used and finished appearance. These unauthorised works will need to be positively addressed through this revised scheme.

- Detailed drawings of all openings, windows and doors, including materials, joinery and reveals, including internal doors for listed buildings
- Details of all fascias, soffits and sills
- Details of all pointing and pointing mix
- Details of rainwater goods
- Details of all fencing, gates and other mains of enclosures including retaining walls
- For LBs – condition stating: during the works, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.
- All new rooflights shall be of a conservation type and shall be fitted so as to be flush with the existing roof profile, as far as reasonably practicable.
- Where proposed roofs are to be clad in natural slates, they shall be fixed in the traditional manner with nails rather than slate hooks and shall thereafter be retained and maintained in that form.

Key Issues/Material Considerations

Planning Officer Assessment

1. Heritage Impact
2. Ecology and Biodiversity
3. Other Considerations

1. Heritage Impacts

1.1 In terms of the Development Plan Policy TH10 of the Torquay Neighbourhood Plan cites that alterations to Listed Buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance. In doing so, proposals which at the same time contribute to providing a sustainable economic future for such buildings will be particularly supported. In regard to the Torbay Local Plan it guides that development proposals should have special regard to the desirability of preserving any listed building and its setting (Policy HE1), and Policy SS10 requires development to sustain and enhance assets which make an important contribution to Torbay's built and natural setting, and furthers that all heritage assets should be conserved, proportionate to their importance.

1.2 The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 212). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 213). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of

the proposal including, where appropriate, securing its optimum viable use (Para 215).

1.3 The policy landscape above accords with and is aligned to the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 section 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

1.4 This scheme has been the subject of considerable negotiations over a long period of time across previous applications and pre-applications, including discussions following the commencement of development and following some degree of works within the historic quarter that progressed in advance of necessary condition detail and agreement.

1.5 The application includes an assessment of heritage assets which suitably considers all of the designated and non-designated heritage assets on the site.

1.6 The site contains the following listed buildings:

- Ilsham Manor Oratory – Grade II*
- Outbuilding to south east of Ilsham Manor Oratory – Grade II
- Two ranges of outbuildings to north west of Ilsham Manor Oratory – Grade II

The works will include:

Ilsham Manor Oratory – Grade II*

1.7 There are no physical alterations proposed to the Oratory as part of this Listed Building Consent.

Outbuilding to south east of Ilsham Manor Oratory – Grade II

1.8 Conversion and extension to the building, including:

- Address previous roof alterations and return to previous form.
- Reroof in natural slate
- Rooflights
- Refurbish central feature
- Insert internal first floor
- Extend with attached lightweight link recessed in the plot
- Extend with accommodation attached via the aforementioned link.
- Make good external walls.

Two ranges of outbuildings to north west of Ilsham Manor Oratory – Grade II

1.9 In terms of the extent of works the proposals principally includes the internal and external alterations to (and conversion of) the L-shaped barn together with the provision of an attached new-building the northeast elevation, to provide a two-storey structure, which then transitions to a one-storey replacement building on the footprint of the recently removed barn. Key elements of the works are:

- The existing modern cement render external finish will be removed and stonework repaired.
- The roof will be replaced and finished with slates.
- Revisions to window openings again proposed but to lesser extent to that previously approved.

- Timber windows and doors.
- Historic internal partition walls retained.
- Similar extension off the northeast elevation to provide a two-storey building.
- Further extension northeast to replicate the previous barn in a form akin to that of the post-conversion detailing established by the previous planning permission.

The impact of the works are:

Ilsham Manor Oratory – Grade II*

1.10 The submitted Heritage Assessment states that as a Grade II* Listed Building Ilsham Manor Oratory is of 'national importance and for decision making under the NPPF it is a designated heritage asset of high significance. The Assessment furthers that its significance is drawn at high levels from its architectural, historical and aesthetic values, as well as from aspects of its setting. These statements are agreed with.

1.11 The submitted heritage assessment states that as the reuse or repurposing of this building does not form part of the proposals and there will be no direct impact on the building. This conclusion is agreed with.

1.12 The assessment further considers the impact on setting and concludes its setting includes the adjacent buildings and surroundings, and therefore there is potential for harm to its significance to be caused by adverse changes to its setting. The Assessment concludes, with respect to the aspects of setting contributing to the significance the Oratory, that a small number of the specific elements of the proposals are positive and include some improvements over the design of the consented scheme. The Assessment furthers that most of the proposed changes to the plots within the Historic Quarter have a neutral effect and ultimately concludes that the development results in a negligible beneficial change to the significance of the Oratory. This conclusion is agreed with.

Outbuilding to south east of Ilsham Manor Oratory – Grade II (Plot 18)

1.13 In terms of significance the submitted Heritage Assessment concluded that the building has some architectural value, which relates to its agricultural origins, but furthers that this value is diminished by the 19th- and 20th-century alterations including the conversion into a school building. This included the removal of the first floor, the replacement of the roof structure and covering, and external rendering in cement. The Assessment does however conclude that for decision making under the NPPF it is a designated heritage asset of medium significance with significance drawn from its architectural, historical and aesthetic values, as well as from aspects of its setting. This conclusion is agreed with.

1.14 In terms of the extent of works the submitted Heritage Assessment summarises the extent of work as follows:

"The consented scheme comprises the conversion of the building into a two-storey unit, with additional accommodation provided in a link-attached extension to the southeast. This would surround a courtyard garden, with the unit also having an additional garden with car parking to its southeast."

The Assessment furthers that:

"The new proposals comprise a similar conversion of the existing building to the consented scheme, but with a slightly different internal layout. For structural reasons the link is moved away from the site boundary, away from the adjacent properties, and the small staircase accessing the link is now within this structure rather than within the Listed Building. At first-floor level the external doorway in the northwest elevation is blocked up reducing footfall past the Listed Oratory. The recently added dormer windows will be removed, and the two first-floor bedrooms will be lit by skylights in the southeast pitch of the roof. These changes will preserve the character of this part of the setting of the Oratory. The existing modern render will be removed, and underlying stonework left exposed. This has the benefit of both improving the appearance of the building, and providing a more suitable finish to the historic masonry behind".

1.15 The above description is considered an accurate summary of the proposed conversion and Listed Building works. In terms of impact on the listed building the Assessment concludes that proposals will result in "no change" to the significance of the Listed Building. This conclusion is agreed with.

Two ranges of outbuildings to north west of Ilisham Manor Oratory – Grade II

1.16 In terms of significance the submitted Heritage Assessment concludes that the L-shaped Range is of 'national importance' and that for decision making under the NPPF states that it is a designated heritage asset to be considered as of medium significance. The Assessment furthers that the significance of the building is drawn from the building's architectural, historical and aesthetic values, as well as from aspects of its setting. The Assessment recognises that the now absent barn to the northeast of the L-shaped Range no longer exists and therefore the site of the structure is not considered to have any heritage significance. These conclusions are agreed with.

The submitted Assessment concludes on impact as follows:

"In the context of current site conditions, it is therefore concluded that the scheme for plots 13 and 14 causes no change to the significance of the Listed Building utilised within plot 14", and "The proposals preserve more of the historic fabric of the building than the consented scheme since they involve fewer openings into the building's fabric, and therefore better preserve the character of the barn relating to its historic agricultural use. It is concluded that the scheme causes no change to the significance of the Listed Building utilised within plot 16".

The conclusions made in the Assessment are agreed with.

Summary

1.17 It is clear that the proposed development is extensive and will serve to change the character of the site but in turn will remove elements which are unsympathetic, and result in the conversion and re-use of existing listed buildings on the site. It is concluded that whilst providing a new context for the heritage assets the proposals are well considered and are of high quality and strikes a suitable balance which will help to restore the site back to an economic use and ensure that the heritage assets have a sustainable future, or at the very least are repaired to enable a reuse to be

found in the longer term.

1.18 The impact on heritage assets was a previous concern expressed by Historic England. However, the current scheme is considered acceptable subject to conditions by the Council's Principal Historic Environment Officer and is supported by Historic England. It is concluded that although the setting will change it has been handled with care to ensure that the impact is limited and will address some non-consented changes in the area.

1.19 In conclusion it is considered that the scheme, as summarised on the description in this report, in terms of heritage impacts delivers a suitable balance where the overall outcome in terms of heritage is potentially neutral or falls within the less than substantial harm category. If the cautious view is taken then the NPPF provides guidance in that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*". There are demonstrable benefits beyond finding a viable use of the listed buildings including housing supply, affordable housing offsite provision, and the re-use of an unused brownfield site.

1.20 To ensure an appropriate form of development, any grant of planning permission should include conditions relating to detailed materials and finishes.

1.21 In accordance with the conclusions above the proposal is considered substantially in accordance with design and heritage policies contained within the Development Plan and guidance contained within the NPPF. This conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 section 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

2. Ecology & Biodiversity

2.1 Policy NC1 of the Torbay Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity.

2.2 In terms of this Listed Building Consent the central considerations of ecological and biodiversity are the implications from the physical works to the listed buildings. Construction works hold the potential to impact protected species and immediate habitats within the setting of the listed buildings due to construction activities and movement. These matters can be appropriately managed through the imposition of a planning condition for a Construction and Ecological Management Plan (CEMP) to be

submitted and approved prior to the commencement of any further development relating to the 'historic quarter'.

2.3 In terms of biodiversity and enhancement opportunities relevant to the Listed Building Consent a number of ecological enhancement and mitigation measures are proposed within the submitted Ecological Impact Assessment (ge consulting: dated 04.11.2024). These measures should be secured through a planning condition.

2.4 The wider considerations of the development as a whole and the ecology and biodiversity implications are considered and concluded on within the accompanying full planning permission under P/2024/0693.

2.5 Having considered the submitted assessments and received comments the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of The Local Plan, the Torquay Neighbourhood Plan, and advice contained within the NPPF.

3. Other Considerations

Housing Supply

3.1 The Council cannot currently demonstrate a 5 year housing land supply, as sought by Government, and the proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan when considered as a whole.

3.2 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

3.3 The provision of housing is a significant benefit within the planning balance, certainly in light of the current published position where the Authority can only demonstrate less than a 2-year supply, which is a significant shortfall.

3.4 It is concluded that there is some discordance with the Development Plan however this discordance is considered limited when the Development Plan is considered as a whole. Were this judgment different and the proposal considered to conflict with the Development Plan it should be noted that the absence of a 5 year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As offered in this report any harm is considered limited and thus the adverse impacts are not significant and demonstrable in this context, and the tilted balance in favour of granting permission should apply.

CIL: The listed building application is not CIL liable.

EIA/HRA

EIA:

This has been considered aside the associated Major Planning Application. 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.

HRA:

This has been considered aside the associated Major Planning Application. A Habitat Regulations Assessment / Appropriate Assessment has been carried out for this development in consultation with Natural England aside the associated planning application P/2024/0693.

It has been concluded that the proposed development is unlikely to have a significant effect on the South Hams SAC or the Lyme Bay and Torbay SAC. Due to the proximity of the development to the coastline and the marine environment of the Lyme Bay and Torbay SAC it is conclude that mitigation to respond to additional recreational pressures should be secured. Natural England have been consulted and concur with the Council's conclusions.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing. As the Council cannot currently demonstrate a 5 year housing land supply the supply of housing should carry significant weight.

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.

Proactive Working

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.

Conclusions and Reasons for Decision

The development is considered to result in a balanced neutral-to-less-than-substantial harm level of impact on the significance of the designated heritage assets.

Taking a precautionary approach and determining that there is a less than substantial level of harm to the listed buildings the NPPF guides in Paragraph 215 that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”

The optimum viable use for these former agricultural buildings (and most recently used as school buildings) has changed due to the change in their context. The optimum viable use is the use that secures the long-term sustainable use of the assets whilst resulting in the minimal level of harm. In this case, it is considered that although a low level of less of substantial harm would be caused by the conversion to residential uses, the level of harm is necessary to secure the assets optimum viable use and long-term future. Securing this, and considering the wider public benefits of providing housing, the harm to the assets does not outweigh these benefits. The Listed Building Consent is therefore recommended for approval subject to the conditions outlined.

Officer Recommendation

Approval: Subject to;

1. Planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.

With the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions:

1. Schedule of Works and Phasing

No development affecting the listed buildings shall commence until a detailed schedule of works and phasing plan has been submitted to and approved in writing by the Local Planning Authority.

The schedule shall include:

- A method statement for each element of work;
- Start and completion dates for each phase;
- Identification of works to each listed building.

Development shall thereafter be carried out strictly in accordance with the approved schedule and phasing plan.

Reason: In order to preserve the heritage assets in a manner appropriate to their significance and to comply with Policies SS10 and HE1 of the Torbay Local Plan 2012–

2030, Policy TH10 of the Torquay Neighbourhood Plan, and the National Planning Policy Framework.

2. Limecrete Floors

Notwithstanding any submitted details referring to chemical damp-proof courses, all floors within the existing listed buildings shall be constructed as solid limecrete in accordance with the submitted schedule of works (Craddy's: Document reference 12052w0030, dated 26.09.2024), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to preserve the heritage assets in a manner appropriate to their significance and to comply with Policies SS10 and HE1 of the Torbay Local Plan 2012–2030, Policy TH10 of the Torquay Neighbourhood Plan, and the National Planning Policy Framework.

3. Completion of Phased Works

Each phase of listed building works shall be fully completed, including all repairs, reinstatement, and finishing, in accordance with the approved phasing plan before any subsequent phase commences or the relevant building is brought into use.

Reason: In order to preserve the heritage assets in a manner appropriate to their significance and to comply with Policies SS10 and HE1 of the Torbay Local Plan 2012–2030, Policy TH10 of the Torquay Neighbourhood Plan, and the National Planning Policy Framework.

4. Materials and detailed design

Prior to the commencement of any further development within the 'historic quarter', details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. A physical sample of the proposed stone shall be available on site and made available for inspection by the Local Planning Authority following reasonable notice. The sample shall be in the form of a 2m x 2m stone panel. The stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used.
2. Samples of all proposed external materials to be used (including roof materials), with physical samples available for all materials to be used within listed buildings.
3. Detailed drawings of all openings, windows, doors, roof lights, including materials, joinery and reveals.
4. All fascias, soffits and sills.
5. All pointing and pointing mix.
6. Rainwater goods.
7. Ducting.
8. All fencing, gates and other mains of enclosures including retaining walls.
9. Location and form of all flues, plant, or similar externally fitted energy infrastructure (PVs, air source heat pumps etc).
10. All meter boxes.

Section and elevation drawings in support of the above shall be drawn to a scale of 1:1 – 1:10.

Samples shall be physical unless expressing agreed by the Local Planning Authority.

The development shall be carried out in full accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the area in accordance with policies DE1, SS10 & HE1 of the Torbay Local Plan 2012-2030 and policy TH10 of the Torquay Neighbourhood Plan.

5. Unexpected Features

If during works hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building, and the Local Planning Authority should be notified immediately. Works shall only commence following written confirmation from the Local Planning Authority that listed building consent is not required or following the receipt of listed building consent.

Failure to do so may result in unauthorised works being carried out and an offence being committed.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the area in accordance with policies DE1, SS10 & HE1 of the Torbay Local Plan 2012-2030 and policy TH10 of the Torquay Neighbourhood Plan.

6. Ecology Mitigation Measures – Schedule of compliance

No development affecting any listed building shall commence until a detailed schedule of the delivery of the identified ecological enhancement and mitigation measures associated with the building, as detailed within the submitted Ecological Impact Assessment ((Report Ref: 0283a-EcIA-LW: ge consulting: dated 04.11.2024), has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out strictly in accordance with the approved schedule and phasing plan and the approved measured implemented and maintained at all times thereafter.

Reason: In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF

Development Plan Relevant Policies

SS10 - Conservation and the historic environment

HE1 – Listed Buildings

NC1 - Biodiversity and geodiversity

TH10 - Protection of the historic built environment

Agenda Item 7

TORBAY COUNCIL

Application Site Address	Coach Station Lymington Road Torquay TQ1 4BD
Proposal	Variation of condition in relation to P/2021/0765 (Demolition of existing coach station building, cafe and toilets and creation of 5 new commercial light industrial units (Use Classes E(g) and E(c). Erection of public toilet, 3 new coach bays and associated public realm (as amended)): Condition 17 - (Hours of delivery). Variation sought: To allow deliveries between hours of 07:00 and 22:00 Monday to Saturday, and deliveries not permitted on Sundays and Bank Holidays; amendment to Condition P1 (remediation of anomalies).
Application Number	P/2025/0653
Applicant	Torbay Council
Agent	Torbay Council
Date Application Valid	13.11.2025
Decision Due date	08.01.2026
Extension of Time Date	
Recommendation	Approval subject to: <ol style="list-style-type: none">1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Place Strategy.2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Application made by Torbay Council.
Planning Case Officer	Emily Elliott

Location Plan



Site Details

The site is located within the Coach Station, Lymington Road within the Upton area, north of Torquay town centre. The site is now complete with 5no. new commercial light industrial units

A roundabout lies to the east which connects Lymington Road, running broadly north to south, with Upton Hill further to the east. The western side is occupied by angled coach parking and car parking. Beyond the boundary there is an upward change in level with a tree lined landscape strip separating the site from a variety of two and three storey houses on Upton Road. The eastern portion of the site was occupied by the former Coach Station toilets, café and office block. This was a single storey structure in two bays with a canopy projecting into the site. Further south is the Torbay Innovation Centre, a relatively modern, two storey, flat roof building. The range of buildings is separated from Lymington Road by the footway and line of mature trees. To the south lie further car and coach parking spaces and a collection of public recycling bins at the junction with Upton Road.

It also lies within:

- Flood Zone 3
- Community Investment Area - Zone 1
- North of Upton Conservation Area

Description of Development

This is a Section 73 application to vary a condition relating to P/2021/0765 (Demolition of existing coach station building, cafe and toilets and creation of 5 new commercial light industrial units (Use Classes E(g) and E(c). Erection of public toilet, 3 new coach bays and associated public realm (as amended).

This application seeks to vary the wording of Condition 17.

From:

No deliveries shall be taken at or dispatched from the site outside the following times: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: To satisfactorily protect the residential amenities of nearby occupiers to comply with Policy DE3 of the Torbay Local Plan.

To:

No deliveries shall be taken at or dispatched from the site outside the following times: 07:00 Hours and 22:00 Hours on Mondays to Saturdays and at no time on Sundays and Bank Holidays.

Reason: To satisfactorily protect the residential amenities of nearby occupiers to comply with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

This application also seeks to make an amendment to Condition P1. It is noted that there are 2no. anomalies within Condition P1:

- Duplication of plan reference '3844.P.AE.02-B'; and
- Inclusion of a superseded Proposed Layout, plan reference '3844.P.AL.02 B'.

Relevant Planning 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"); and
- The Adopted Torquay Neighbourhood Plan 2012-2030 ("The Neighbourhood Plan").

Material Considerations

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);
- Published Standing Advice;
- Heritage setting, within a Conservation Area (05).

- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72; and
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

- CN/2023/0094: Discharge of Conditions relating to P/2021/0765. Conditions: 9 - Landscaping Scheme, 12 - Detailed Design, 13 - Coach Station Shelters, 14 - External Lighting, 15 - Designing Out Crime. Approved 03/11/2023.
- CN/2023/0051: Discharge of Condition relating to application P/2021/0765: Demolition of existing coach station building, cafe and toilets and creation of 5 new commercial light industrial units (Use Classes E(g) and E(c). Erection of public toilet, 3 new coach bays and associated public realm (as amended). Condition: 12 - Detailed Design (part discharge). Discharged In Part 02/08/2023.
- P/2023/0348: Section 73 application to vary a condition relating to P/2021/0765 (Demolition of existing coach station building, cafe and toilets and creation of 5 new commercial light industrial units (Use Classes E(g) and E(c). Erection of public toilet, 3 new coach bays and associated public realm (as amended). Amend wording of condition 18: additional paraphernalia. Approved 08/09/2023.
- P/2023/0333: Non-Material Amendment relating to application P/2021/0765. Amendment sought: Minor adjustments to floorplate, roof angles, ridge heights and eaves heights. Approved 05/05/2023.
- CN/2022/0042: Discharge of Conditions relating to P/2021/0765. Conditions: 02 - Remediation Method Statement, 05 - Surface Water Drainage, 06 - Construction/Demolition Management Plan, 10 - Arboricultural Method Statement, 22 - Flood Emergency Plan. Approved 26/05/2022.
- P/2022/0332: Non Material Amendment relating to application P/2021/0765. Amendment sought: To the external materials including cladding, colours and roof lights. Approved 04/04/2022.
- P/2021/0765: Demolition of existing coach station building, cafe and toilets and creation of 5 new commercial light industrial units (Use Classes E(g) and E(c). Erection of public toilet, 3 new coach bays and associated public realm (as amended). Approved 28/01/2022.

Summary of Representations

1 letter of objection has been received.

Note: Full responses are available to view on the public access system (<https://publicaccess.torbay.gov.uk/view/>).

Concerns include:

- Impact on local area
- Noise

Summary of Consultation Responses

Torbay Council's Senior Environmental Health Officer (response dated 25th November 2025):

Further to your recent consultation regarding the above application and following a review of the Noise Impact Assessment undertaken by ACT Acoustics I would confirm that I have no objections.

Torquay Neighbourhood Forum:

No response received.

WSP on behalf of the Highway Authority (response dated 17th December 2025):

Through this application, the applicant is seeking to change the delivery operating hours to between 07:00 – 22:00 Monday – Saturday, with no deliveries taking place on Sunday or bank holidays.

Based on the scale of the industrial uses, the Highway Authority raises no objection to the variation of this condition. It is also the view of the Highway Authority that the current layout of the coach station allows for separation of coaches and vehicles for the units' loading bays so there are minimal concerns for conflict with public transport services.

Overall, the Highway Authority is satisfied with the variation of Condition 17 for the extension of delivery hours at the site.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Residential Amenity

1. Principle of Development

The principle of the development has been agreed by the approval of P/2021/0765. The key considerations are the impacts of the minor material changes, rather than the broader merit of the wider scheme itself, which is established, as the application raises no new issues of principle having considered the proposal, the Development Plan, and all other considerations.

The anomalies could have been resolved through a Section 96A application, however as the applicant wished to amend Condition 17, it seemed appropriate to include the amendments to Condition P1 also.

It should be noted that several planning conditions have been amended or removed given subsequent discharge of condition applications.

2. Residential Amenity

The NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard

of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Local Plan contains policy guidance aligned with the aspirations of the NPPF, principally through Policies SS11, H1 and DE3, towards ensuring that residential development produces high-quality living environments that present a good level of amenity for future users and neighbouring occupiers. Policy DE3 of the Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers. Objectors have raised concerns regarding noise and impact on local area.

The application includes a supporting Noise Impact Assessment as the applicant wishes to extend their delivery hours as the units have faced challenges in achieving consistent occupancy and long-term lettings. The applicant has received feedback from prospective and existing tenants that the existing delivery hours imposed under Condition 17 are a significant barrier to the operation of the units. The supporting Noise Impact Assessment outlines that the impact of sound from industrial and commercial activities is typically determined using British Standard 4142:2014+A1, which provides a method of assessment of industrial and commercial sound sources in mixed residential and industrial areas. The Assessment assumed that a single delivery (loading or unloading) lasts no longer than 30 minutes, and that there would be no more than 2no. deliveries per hour across all 5no. units during the daytime and evening periods. In terms of a BS 4142 assessment, the reference time period for daytime and evening (07:00-23:00) is one hour; for the night-time (23:00-07:00), it is 15 minutes. The Assessment has outlines that the most affected noise sensitive location is at No.59 Upton Road, the rear of which overlooks the coach station and the light industrial units.

The Assessment found the following findings:

Element	Daytime	Evening	Night-time	Comments
Specific sound level L_s [dB]	48	45	46	As calculated by the noise model, averaged over 1 hour for daytime and evening, and 15 minutes for night-time.
Acoustic feature corrections [dB]	3	3	3	The total acoustic feature corrections given in section 5.1.
Rating level L_{ArTr} [dB]	51	48	49	The rating level in accordance with BS 4142:2014+A1
Background sound level L_{A90} [dB]	52	46	32	The prevailing background sound level as measured.
Difference [dB]	-1	2	17	The difference between the rating level and the background sound level.

The Assessment outlines that a difference of around +5 dB is likely to be an indication of an adverse impact, while a difference of +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context. In line with this, the above initial assessment indicates a low impact in the daytime and evening periods, and a significant adverse impact at night.

The Assessment concluded that deliveries during the daytime (07:00-19:00) and evening (19:00-23:00) are acceptable, since the predicted rating level is only 2 dB above the background sound level at worst; as such, the likelihood of adverse impact is low. At night, the background sound level is very low, making it impossible to conduct loading / unloading operations without significant adverse impact at the nearby noise sensitive locations.

Torbay Council's Senior Environmental Health Officer has reviewed the supporting information and raises no objection to the extended delivery hours.

Subject to the aforementioned amended planning condition, it is considered that the proposal would not result in any detrimental harm to the amenities of the occupants of neighbouring buildings in terms of their privacy, outlook, access to natural light or noise, and therefore the proposal is considered to accord with Policy DE3 of the Local Plan.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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.

Local Finance Considerations

CIL:

Not applicable.

S106:

Not applicable.

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. The development does not meet the thresholds for screening and is not in a sensitive area.

HRA:

Not applicable.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development. As such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The relevant legislation requires that the application be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval: subject to;

1. The conditions outlined below, with the final drafting of conditions delegated to the Divisional Director of Place Strategy.
2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.

Planning Conditions**1. Use Class**

The industrial units hereby approved shall be used only for purposes falling within Use Class E (c) and (g) of The Town and Country Planning (Use Classes) Order, 1987 (as amended) or in any provisions equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order and for no other purpose without the prior grant of planning permission.

Reason: To ensure that the development is compatible with surrounding uses. In order to accord with Policies TC2, TC3 and TC4 of the Adopted Torbay Local Plan 2012-2030.

2. Remediation Scheme

The development shall be carried out in strict accordance with the approved detailed remediation scheme (ref: 'RP7765-RMS (RMS)', received 11.04.2022) pursuant to condition 2 of planning permission P/2021/0765, approved on the 25.05.2022 via CN/2022/0042. The approved remediation scheme shall be implemented in full.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. Flood Risk Assessment

The development shall proceed in full accordance with the submitted and approved Flood Risk Assessment. The use shall thereafter be operated in accordance with the approved details.

Reason: In the interests of managing flood risk to occupiers in accordance with the National Planning Policy Framework, and to comply with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030.

4. Surface Water Drainage Scheme

The development shall be carried out in strict accordance with the surface water drainage details approved (ref: '11327 - C150' and '11327 - C100' received 05.05.2022) pursuant to condition 5 of planning permission P/2021/0765, approved on the 26.05.2022 via CN/2022/0042. Development shall take place in accordance with the approved details and shall be retained and maintained at all times thereafter to serve the development.

Reason: In the interests of adapting to climate change and managing flood risk, and to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and guidance contained in the National Planning Policy Framework.

5. Ecological Mitigation Measures

The development shall proceed in full accordance with the submitted and approved Ecological Mitigation and Enhancement Strategy (EMES) and combined Construction and Ecological Management Plan (CEcoMP) by Ecology Services SW - September 2021).

Reason: In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Adopted Torbay Local Plan 2012-2030 and guidance contained in the National Planning Policy Framework.

6. Ecological Mitigation Measures

The development shall include the following measures (in accordance with manufacturer's instructions for correct siting and installation) and be retained at all times thereafter:

- The provision of integrated habitat by design for swifts (*Apus apus*), in the form of nesting bricks built within the outer wall brickwork or fabric of the buildings. Two bricks to be incorporated per unit build.

- The inclusion of bee bricks within the upper story outer walls of the buildings. Two bricks to be incorporated per unit build.
- The inclusion of bat boxes/bricks/tubes. Two bricks to be incorporated per unit build.

Reason: To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

7. Landscaping

The development shall be carried out in strict accordance with the hard and soft landscaping details approved (ref: 'CN-2023-0094-4 ((Soft Landscaping))' received 19.09.2023, '2306 5 L 01 10 B' received 19.10.2023, and '2306 5 L 01 11 00' received 19.09.2023) pursuant to condition 9 of planning permission P/2021/0765, approved on the 03.11.2023 via CN/2023/0094. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of a similar size and the same species. All hard landscaping works shall be permanently retained thereafter in accordance with the approved details.

Reason: In the interests of visual character of the area in accordance with Policies DE1 and C4 of the Adopted Torbay Local Plan 2012-2030.

8. Detailed Design

The development shall be carried out in strict accordance with the detailed design details approved (refs: 'NIL7820 - 5', 'NIL7820 - 4', 'CN2023-0051-1 ((Roller Shutter))', 'NIL7820 - 100 (B (window-door schedule))', 'NIL7820 - 1 ((window head))', 'NIL7820 - 3 ((window head))', 'NIL7820 - 2 ((window jamb))' and 'CN2023-0051-2 ((colour-wall samples))' received 16.06.2023, and 'CN-2023-0094-1 ((Signage))' and 'CN-2023-0094-2 ((Coach Shelters))' received 19.09.2023) pursuant to condition 12 of planning permission P/2021/0765, approved on the 02.08.2023 via CN/2023/0051 and on the 03.11.2023 via CN/2023/0094. Development shall take place in accordance with the approved details and shall be retained and maintained at all times thereafter to serve the development.

Reason: In order to protect visual character and heritage assets in accordance with Policies DE1, SS10 and DE4 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and advice contained within the National Planning Policy Framework.

9. Coach Station Shelters

The development shall be carried out in strict accordance with the coach station shelter details approved (ref: 'CN-2023-0094-2 (Coach Shelters)' received 19.09.2023) pursuant to condition 13 of planning permission P/2021/0765, approved on the 03.11.2023 via CN/2023/0094.

CN/2023/0094. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

Reason: In order to protect visual character and heritage assets in accordance with Policies DE1, SS10 and DE4 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and advice contained within the National Planning Policy Framework.

10. Lighting Strategy

The development shall be carried out in strict accordance with the lighting strategy details approved (refs: 'E2001 (Lighting)' and 'CN-2023-0094-3 (Lighting Strategy)' received 19.09.2023) pursuant to condition 14 of planning permission P/2021/0765, approved on the 03.11.2023 via CN/2023/0094. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

Reason: In order to protect visual character in accordance with Policies C2, DE1, HE1, SS10 and DE1 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of Adopted Torquay Neighbourhood Plan 2012-2030 and advice contained within the National Planning Policy Framework.

11. Designing Out Crime

The development shall be carried out in strict accordance with the designing-out crime details approved (refs: 'NIL7820 – 100 (Windows and Doors)', 'E2000 (Lighting)' and 'TR 251-14 (Smart Wall Test)' received 19.09.2023) pursuant to condition 15 of planning permission P/2021/0765, approved on the 03.11.2023 via CN/2023/0094. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

12. Bicycle Storage

The development shall be carried out in strict accordance with the approved bicycle storage details and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Adopted Torbay Local Plan 2012-2030.

13. Delivery Times

No deliveries shall be taken at or dispatched from the site outside the following times: 07:00 Hours and 22:00 Hours on Mondays to Saturdays and at no time on Sundays and Bank Holidays.

Reason: To satisfactorily protect the residential amenities of nearby occupiers to comply with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

14. Additional Paraphernalia

No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual amenities of the area, in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

15. Permitted Development Removed

Notwithstanding the provisions of Article 3, Schedule 2, Part 7, Class A, Class H and Class J, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order amending or revoking that Order, no extensions or alterations, including additional hard standings, shall be made to the building hereby approved.

Reason: To maintain an acceptable form of development in accordance with Policies DE1, DE3, TA3 and ER1 of the Adopted Torbay Local Plan 2012-2030, the Adopted Torquay Neighbourhood Plan 2012-2030, and the National Planning Policy Framework.

16. Coach Parking Bays

The development shall be carried out in strict accordance with the coach parking bays and shelters shown on the approved plans shall be provided. Once provided, the agreed bays shall be retained for the life of the development and made available for use for coach parking.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Adopted Torbay Local Plan 2012-2030.

17. Flood Emergency Plan

The development shall be carried out in strict accordance with the flood emergency plan details approved (ref: 'CN-2022-0042-3 (Flood Emergency)' received 11.04.2022) pursuant to condition 22 of planning permission P/2021/0765, approved on the 26.05.2022 via CN/2022/0042. Development shall take place in accordance with the approved details and shall be retained and maintained at all times thereafter to serve the development.

Reason: In the interests of public safety and managing flood risk to occupiers in accordance with the National Planning Policy Framework, and to comply with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030.

Informative(s)

Positive and Proactive

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 planning approval.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information provided to determine the application this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Relevant Policies

Development Plan Relevant Policies

DE3 - Development Amenity

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