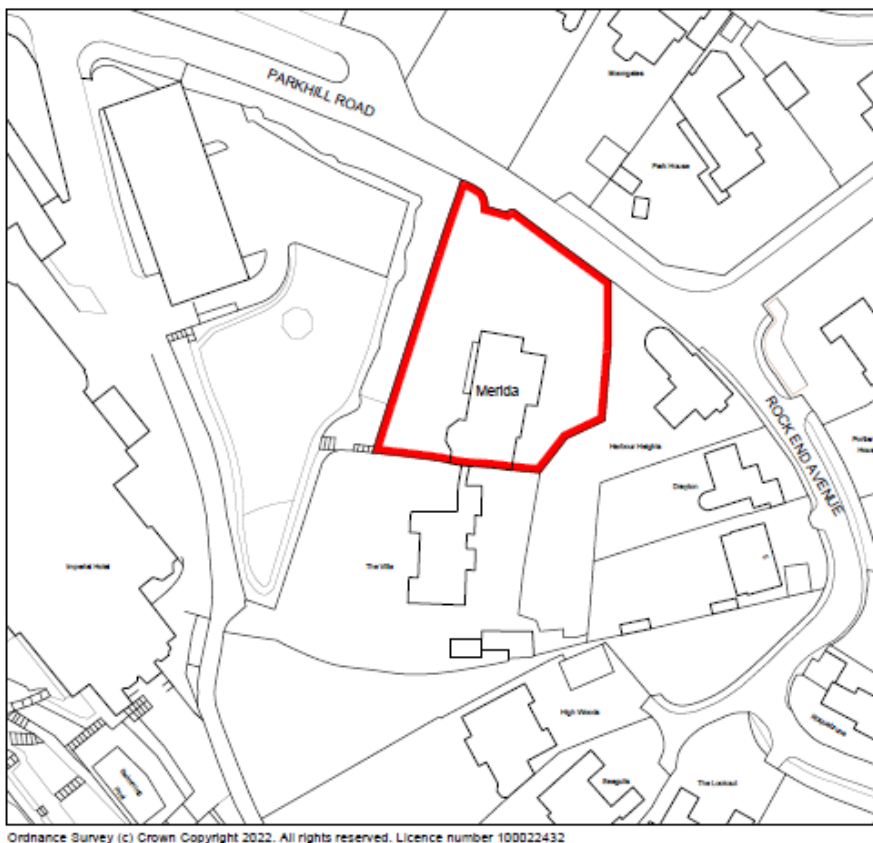


TORBAY COUNCIL

Application Site Address	Merida Parkhill Road Torquay TQ1 2DQ
Proposal	Maintenance, repair, refurbishment and alteration works.
Application Number	P/2023/0330
Applicant/ Agent	Mr & Mrs Wiggins / Croft Surveyors
Date Application Valid	11/05/2023
Decision Due date	27/06/2023
Extension of Time Date	17/11/2023
Recommendation	Approval: Subject to: The conditions outlined, with final wording delegated to the Divisional Director - Planning, Housing & Climate Emergency. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director - Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Following the SRM procedure, and given the number of objections received, Councillor Bye and the Chair of the Planning Committee would like application to be discussed at Committee.
Planning Case Officer	Ross Wise



Site Details

The site comprises a large Grade II listed Victorian building, which has been historically altered and extended. The site is accessed from Parkhill Road and the curtilage area includes a garden area, primarily to the West of the building.

The site is located within the Lincombes Conservation Area and adjacent to the Torquay Harbour Conservation Area as designated by the Torbay Local Plan.

Description of Development

This application for Listed Building Consent seeks permission for:

- The retention of works previously carried out by the existing and previous owners of the building.
- Rectification works, that after receiving pre-application advice are to be undertaken in response to concerns raised.

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 Adopted Torquay Neighbourhood Plan (TNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Listed Building and Heritage issues
- 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:

Relevant Planning History

P/1999/0584/CA. Demolition Of Existing Greenhouse And Garden Sheds. Withdrawn.

P/1999/0587/OA. Erection Of Detached House (In Outline) (As Revised By Plans Received 18/5/99). Refused 29.06.1999.

P/1999/0588/OA. Erection Of Detached House (In Outline) (As Amplified By Plans Received 14th July, 1999). Approved 05.08.1999.

P/1999/0609/OA. Erection Of Detached House (In Outline) (As Revised By Plans Dated 18th May 1999). Refused 23.08.1999.

P/1999/1432/OA. Erection Of Detached House (In Outline). Refused 08.12.1999.

P/1999/1501/LB. Demolition Of Existing Greenhouses And Garden Sheds. Approved 16.12.1999.

P/1999/1784/LB. Erection Of Sign Notifying Development Of Site. Approved 14.01.2000.

P/2001/0590/RM. Erection Of Detached House And Garage With Vehicular And Pedestrian Access (As Revised By Letter And Plan Received 13/7/01). Approved 26.07.2001.

P/2022/0066/HA. Formation of detached single storey garage. (Please see accompanying application P/2022/0067). Refused 17.01.2023.

P/2022/0067/LB. Formation of detached single storey garage. (Please see accompanying application P/2022/0066). CLOSED 29 JUNE 2022 SEE P/2022/0066.

DE/2022/0093/DE. Retrospective consent for works to a listed building. Split decision.

Summary of Consultation Responses

{b Torquay Neighbourhood Plan Forum:} Requests that the application should be refused. Sets a precedent.

Summary of Representations

34 comments have been received, of which 31 objections and 2 letters of support were received.

Concerns were made regarding:

- Sets precedent.
- Works are illegal.
- Disregard for planning law.
- No planning consent for apartments at point of sale.
- Damage the structure of the building.
- Contravention of Local Plan Policies SS10, TH8 and TH10.
- Basement rooms with no windows would endanger occupants.
- Works not in keeping with the character of the building.

Support was received for:

- Internal works.
- Electrical works undertaken comply with the latest regulations.
- Owners have done a good job maintaining and restoring the building.
- Work has been done to a high standard.
- The building enhances the area and increases the value of other properties.

Planning Officer Assessment

Key Issues/Material Considerations

Impact on Heritage Assets

Section 66 of the 1990 Act sets out the general duty as respects listed buildings, which requires Local Authorities to 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.

Paragraph 199 of the NPPF states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, 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.

Policy SS10 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make up Torbay's built

and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay. Policy HE1 of the Local Plan states that development proposals should have special regard to the desirability of preserving any listed buildings and its setting, or any features of special architectural or historic interest which they possess. Policy TH10 of the TNP states 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.

Merida is a Grade II Listed building located within the Lincombes Conservation Area lies adjacent to the Torquay Harbour Conservation Area. The site, Merida and the identified Conservation Areas are designated heritage assets. Whilst there is currently no published appraisal for the Lincombes Conservation Area, the accompanying mapping is available, and the site is clearly identified within it.

Conservation can be described as the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations.

Generally, heritage values are arranged in four groups, which may be attached to places. These are:

- Evidential value: the potential of a place to yield evidence about past human activity.
- Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present – it tends to be illustrative or associative.
- Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.
- Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

The significance of Merida is mainly comprised of its historic and aesthetic values. The building has retained significant exterior and interior detailing and this aesthetic value is ultimately the main contributor to the building's overall heritage significance. The building's aesthetic value has been impacted as a result of the extensions and alterations that have occurred since its original construction. Any evidential and communal value is considered to be low. Overall, the building is considered to be of medium significance.

The contribution of setting to the building's significance has been reduced by demolition and development of neighbouring sites, however the building remains in a prominent location with landscaping, mature trees and grounds that continue to wrap around the building. It is acknowledged that this has been reduced over time and the area to the North of the building has now been given over to a large, gravelled forecourt for parking.

The building benefits from surviving significant original detailing internally and externally, although this has been impacted as a result of the extensions and alterations that have occurred since its original construction.

It is evident from the comments made by a number of objectors that local residents and other previously interested parties at the time of sale of the property in 2020, that there was in fact knowledge of works to the building that did not benefit from either planning permission or listed building consent.

The overarching aim of the proposal is to regularise works to the building that have been carried out without listed building consent. Where works are not proposed to be retained in their existing form, their alteration is proposed in response to advice provided in pre-application discussions (reference no. DE/2022/0093).

It is understood and as put forward by the applicant that a number of works were undertaken by previous owners of Merida and that there is limited information available to prove definitively when these works were carried out. In this regard the applicant states that the following works were carried out prior to their purchase of Merida.

Retrospective permission sought for:

- Internal layout changes in the cellar and at ground and first floors.
- Works required to create two separate flats within the basement level.
- Formation of internal area below crown roof.
- Replacement of internal doors.
- Replacement of internal floor coverings.
- Replacement of skirting boards in isolated locations to match historic examples.
- Replacement radiators.
- Repair of external plaster work.
- Painting of the external plaster work.
- Repair and redecoration of existing shutters.
- Redecoration of timber windows.
- Replacement rainwater goods.
- Replacement fascias and soffits.
- Replacement roof light.
- Replacement of satellite dish.
- Replacement of garden gate.
- Removal of old clay external surface water drainage pipes.
- Boundary wall repairs.
- Re-roofing Works.
- Structural Repairs/ Replacement of Timbers.
- Extension of crown roof adjacent to canted bay extension.

New works proposed:

- Provision of new shutters to match existing where removed and no-longer present.
- Relocate CCTV cameras to more sympathetic locations.
- Alter the finish of external lighting installations so as to reduce visual impact.
- Removal of new canopy over entrance to basement flat.

- Replacing uPVC elements of external soil vent pipes with cast iron.
- New roof lights.
- Replacing uPVC windows and doors with new timber windows and doors.
- Erection of new boundary fence.
- Construction of new external patio area.
- Re-instatement of dormer window (south)

The proposal can largely be broken down into three broad categories relative to the impacts they would have on the significance of the building within the established categories of enhancements/improvements, neutral changes, and harmful changes summarised in the table below.

For the avoidance of doubt, the assessment of the impacts of the proposed works is irrespective of the nature of some of the works being retrospective. Any works already carried out by the current owners have been done so at the owner's risk.

Element of Proposed Works	Heritage Value	Overall Impact	Harm/ Enhancement
Repair of external plaster work	High - Likely original C19th fabric.	Low	Enhancement
Painting of the external plasterwork	Medium - External lime render.	Low	Enhancement
Repair and decoration of existing shutters	High - Original C19th fabric present consistently on the elevations of the 1840s element of the building.	Low	Enhancement
Replacement fascias and soffits	Medium - Mix of original C19th and modern inappropriate fabric.	Low	Enhancement
Replacement rainwater goods	Medium - Mix of uPVC and original cast iron	Low	Enhancement
Replacement of garden gate	No heritage value	Low	Neutral
Relocation of CCTV cameras	No heritage value	Low	Neutral
Replacement of uPVC windows and doors with timber alternatives	No heritage value - Modern construction/modifications	Moderate	Neutral
Proposed external lighting	No heritage value	Low	Neutral
Removal of entrance canopy	Low - C20th lean-to porch	Low	Enhancement

Formation of 2 flats at basement level	Medium - Likely C19th fabric with later additions.	Low	Neutral
Replacement of flat roof coverings	Low - Replacement of the non-original flat roof covering following the former covering coming to the end of its functional lifespan.	Low	Neutral
Rooms beneath crown-roof (FF)	Low - C20 fabric	Low	Neutral
Stud partition in basement level (cellar)	Low - Cellar of later C19/20 th canted bay extension	Low	Neutral
Internal layout changes at GF and FF level	Medium - Original C19/later partitions	Moderate	Neutral
Replacement of internal floor coverings	No heritage value - Former inappropriate laminate finishes	Moderate	Neutral
Structural repairs/replacement of timbers	High - Mix of C19th and C20th fabric.	Low	Neutral
Replacement internal doors	Medium	Low	Neutral
Replacement of skirting boards	Low - C20th fabric	Low	Enhancement
Works to boundary wall	High - Original C19th masonry	Low	Neutral
New and replacement roof lights	Low - C20th and new fabric	Moderate	Harmful
Re-slating the roof	Medium - C20th	Moderate	Neutral
Raise in the height of the flat roof by 100mm.	Medium - C20th	Moderate	Harmful
Alteration of dormer window	Medium - Likely C20th and original	Low	Harmful
Extension of flat roof adjacent towards canted bay extension	High - Loss of section of original fabric/form	Low	Harmful

Whilst a large number of works are included within the application for listed building consent, it is considered that listed building consent is not required for a number of repairs that have been and those that are intended to be carried out. This is due to the applicant demonstrating that these repair works have and will be carried out on a

like-for-like basis with regards to the materials used, quality of execution and finish. Listed building consent is required for works to alter or extend a listed building in a way that would affect its character or appearance as a building of special architectural or historic interest. Whilst permission may not be required, the applicant has included them with the proposal nonetheless. In this regard, listed building consent is not considered to be required for the following:

- Repair of external plaster.
- Painting of the external plaster work
- Repair and redecoration of existing shutters.
- Redecoration of timber windows.
- Installation of new radiators.

Additionally, listed building consent is not required for:

- Replacement garden gate.
- Construction of new external patio area.
- Erection of new boundary fence.
- Removal of external clay drainage pipes

With regards to internal architectural detail and features, when the building was first listed in 1975, an internal inspection of this property was not carried out. As a result, internal features were not included within the original listed entry. With very limited planning history available for this address, there is also little detailed information available of any previous works carried out, or any previous layout of the building. However, general assumptions can be made of the historic organisation of the building based on position of original windows, load bearing walls, orientation of joists and location of fireplaces/chimney breasts.

Reviewing the table above it is clear that many of the works proposed would have an overall neutral impact on the significance of the building. The works that would have a neutral impact are considered to preserve the significance of the building.

Whilst the inclusion of enhancements and improvements do not give right to harmful changes, it is necessary to balance the overall impacts and assess the heritage implications of the proposal and establish if there would be any change in the significance of the building and to establish the degree of any change that may occur.

Largely the works that have been considered to have a neutral impact on the building and its significance (see table above) would either be to non-original or fabric of little/no significance, or they would be minor in nature such that their impact would be negligible. Whilst the replacement windows would enhance the existing appearance of the building, they integrate themselves into the proposal as actions required to address unauthorised works to the building and are therefore given no weight in the overall balance. This principle is consistent across the majority of the rectification works. Where this is not the case, further evaluation is provided below.

Works to create flats within the basement.

The division of the property, creating flats/apartments within the basement level is likely to have impacted upon the original internal layout and vertical circulation of the

building as it is not currently clear where the ground floor and basement levels would have originally been connected, as the connecting stair is no longer in place.

It is also not known when the works to create the flats within the basement originally occurred as there appears to be a lack of any demonstrable evidence to definitively identify if this occurred prior to the building's first listing in 1975, or at what point after. Reviewing council tax records, Apartment 1 and Apartment 2 Merida appear to have been registered addresses from the 1st of April 2019. However, this does not indicate when the works were originally carried out. The information provided within the submitted Heritage, Design and Access Statement suggests the works may have been carried out between 2011-2013 and completed in 2016 as satellite imagery may indicate other refurbishment works are likely to have been carried out at this time.

It is also not known to what extent any works were or were not carried out and if they involved any significant alteration or loss of historic fabric that contributed towards the overall significance of the building. Given the lack of planning history for this building, there is an absence of a record of any previously existing layouts or information to identify the former presence of any architectural features of interest.

With regards to the comments made relating to the re-instatement of any features in areas where they may have previously been lost, it is not good practice to "re-instate" or install such details without sufficient evidence of the former detailing or instances of its siting in such locations. With particular reference to the basement level, it is not common for these historic service areas to contain such detailing or embellishments.

Considering the information available, the creation of 2 apartments within the basement level is considered to have a neutral impact on the significance of the building when compared to that when originally listed in 1975. The applicants are aware that this matter needs to be regularised.

Alterations of internal openings.

The proposed internal alterations, relocating a number of openings for doors, are not considered to demonstrably alter the plan form of the building, which forms part of its architectural value. The rationale here is that on the ground floor, existing doors within the spaces created in the bedrooms 1, 2 and 3 on the Eastern side of the building are not considered to be elements of the original plan form of the building. They are likely to be partitions installed when the building was in use for holiday/guest accommodation, creating rooms with private bathrooms. The original plan form is much simpler and can largely be understood by the presence of historic fireplaces, although now these are mostly concealed, they are expressed at roof level with original stacks.

In addition to the detail initially provided as part of the application, further detail has been requested of the elements of the proposal that have been considered to be harmful, namely the new/replacement rooflights and the raise in the height of the flat roof over the circa 1840s element of the building.

Rooflights

Further detail of the rooflights has subsequently been provided and clearly identifies the position of the rooflights within the composition of the roof, which now definitively establishes their prominence above the plane of the roof. As a notable change in the external appearance of the building, this information was key to establish if the protrusion above the plane of the roof was excessive.

Additional and replacement rooflights to crown roof are an eye-catching addition to the roofscape, which is legible from outside of the site boundary due to the local topography. Whilst the ability for the public to view or experience elements of the proposal does not define its impact on the building or its setting, the visibility of the roof-scape of the building increases the required sensitivity in which alterations in this area must be carried out.

The total number additional rooflights is proposed to remain at a total of 9. This would be in addition to the replacement of 1 previously existing rooflight, totalling 10 rooflights within the roofscape of the building. It is noted that the applicant has proposed to reduce the height of the protrusions from the roofscape by 100mm in order to mitigate the impact of their prominence. However, this amendment is proposed to the 4 additional rooflights within the crown roof only, the remaining rooflights are proposed to remain as existing with a larger protrusion from the plane of the roof of approximately 250mm.

Rooflights over the 1930s/40s and 1890s extensions are considered to have a limited impact due to their position and siting within a later and less significance addition of the original building. Any impact they would have is considered to be as part of a wider cumulatively effect, and in conjunction with the sharp increase in the total number of rooflights proposed within the roofscape.

Whilst the protrusion from the plane of the roof would be reduced, the quantity of rooflights proposed for retention is considered to further undermine the traditional character and appearance of the building. It is acknowledged that the wider roofscape has been significantly affected by previous alterations, the quantity of rooflights proposed is nonetheless considered to result in a minor level of less than substantial harm.

Crown roof alterations

In addition to the detail requested above relating to rooflights, greater certainty of any resulting increase in the height of the crown/flat roof above the principal 1840s element of the building was requested in response to concerns raised by an objector.

The applicant has stated that there has been an increase of approximately 100mm in the thickness construction of the crown roof over the 1840s section of the building. The former flat roof deck construction has been stated as being constructed using undersized timbers which were rotten in a number of places. The increase in the height comes as a result of an increase in the size of structural timbers within the flat roof, in addition to marginal increases from creating falls for drainage purposes. This area of the roof is highly sensitive as aforementioned due to the wider visibility of this area of the building. In this instance the nominal increase in the height of the crown roof by 100mm is considered to result in a minor level of less than substantial harm.

During the course of the application it became apparent that works beyond those applied for had been carried out. The applicant has subsequently requested to include them within the proposal and, at the time of writing this report, is producing drawings to reflect these works. In this regard, the additional works are:

- The alteration of a section of pitched roof adjacent to the canted bay extension.
- Adaption of dormer window to form a double door.

Both of the works identified above are shown within the table shown on pages 6-8 of this report.

The alteration of section of pitched roof adjacent to canted bay extension has led to the alteration and loss of original/historic fabric from within the roofscape.

The applicants report that the primary reason for the removal of this section of roof is due to the valley gutter detail that it created at the junction with the canted bay extension, which was one of the primary sources of damp ingress within the property. It is reported that rainwater would run down the pitched section of roof, soaking into the external wall of the canted bay extension and penetrating down to the ceiling/ floor below.

The issue highlighted by the applicant is as a result of the presence of the canted bay extension itself, and would not have been apparent had it not been constructed shortly after the construction of the original building. The extension of the flat roof in this area can therefore be seen to overcome a defect within the previously existing arrangement of the roofscape, in a manner consistent with the external appearance of the building as a whole. When considering any potential alternative detailing to overcome the issues relating to water ingress and penetration in this area, these would likely have appeared clumsy and deleterious.

The alteration and loss of historic fabric in this location has resulted in a minor level of less than substantial harm.

The alteration of a previously existing inset dormer window has been replaced with a set of timber doors. This has resulted in a minor loss of historic fabric, both below the cill level and in the creation of a larger opening.

The applicant has commented that the previously existing feature leaked around the abutments and the section of flat roof below the former cill. Doors were installed to remove the section of roof, whilst also providing access to maintain the roofscape.

Not all loss of fabric results in harm to the overall significance of a heritage asset and this is the case in this instance. Whilst the fabric formerly surrounding the window is likely to have been original, its value and contribution would have been limited.

In addition to other works of re-instatement, following concerns raised with this element of the application, the applicant has provided a revised detail to remove the existing set of timber doors and re-instate a small inset window in this location to match the existing inset dormer window as seen in the North elevation.

As indicated above, the applicant has provided commentary within the submitted heritage, design and access statement to justify their approach to the works that are considered to be harmful. In this regard, the works were required to make the building weatherproof, structurally sound and to provide natural light to rooms within the crown roof. In this instance, the works to the crown roof are considered to be justified.

Again, reviewing the table summarising the impact of the proposed works, those that have been identified as resulting in varying degrees of enhancement would generally improve the visual quality and condition of the building both internally and externally.

Many of the original internal architectural features including ceilings, skirting boards, architrave and cornicing would be conserved where they exist. Where poor quality, inappropriate examples exist, they are to be replaced with suitable installed to match original examples.

External works to repair and redecorate the building, replacing and re-instating shutters, soffits and fascia would be done so with appropriate materials, craftsmanship and finishing. Should permission be granted, conditions are recommended to ensure that the materials and detailing of the opening matches other original examples within the building where they exist and that works of making good are carried out to an acceptable standard.

The works described above, would both preserve and enhance the external character and quality of the building, resulting in an overall minor enhancement, particularly to the buildings aesthetic value.

Para 200 of the NPPF states:

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.

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

The applicant sets out their justification of their approach to the works that have been considered to be harmful, stating that they were necessary to prevent a risk of total failure of the roof structure and to meet acceptable construction standards. The assessment provided suggests that the works to the crown-roof have not led to the loss of historic fabric as the previous structure was a non-original element of the building. With regards to the additional rooflights, the applicant also states that these would be located within non-original element of the building, not resulting in the loss of any significant historic fabric.

When considering the proposal as a whole, the cumulative minor heritage gains outlined in this report are considered to balance the identified harm that would be caused works to raise the crown roof and install additional rooflights. On balance, the positive aspects of the proposal are considered to reduce the level of harm, resulting a negligible/neutral impact on the significance of the building.

In this regard the proposal is considered to result in a change in evidential, architectural, historic, artistic, aesthetic or communal value or setting, of the heritage asset such that the change in significance of the resource is barely perceptible.

To conclude, the repair and maintenance aspects of the proposal in addition to the works to regularise historic works that have been carried out at the property are welcomed and have improved the general condition of the building.

The crown roof is a non-original element of the building, and the applicant has sought to replace its covering due to it coming to the end of its functional life. In doing so, they have also replaced failing and substandard deteriorated structural fabric, which is also not original and has no heritage significance. To prevent the removal or alteration of historic fabric within the roof, the height of the crown roof has increased to accommodate deeper sections of timber. This increase, in combination with the additional rooflights within the crown roof is considered to result a slight diminishment of the building's aesthetic value and minor harm to the overall heritage significance of the building.

Where further clarification was required of certain elements of the works, the applicant has provided sufficient information and justification for the works that have been considered to be harmful. These works are considered to be justified.

In balancing the aspects of proposal, and their impact on the heritage values of the building, the proposal is considered to result in a negligible impact on the significance of the building. For this reason, overriding public benefits are not considered to be necessary.

Subject to the conditions met, the proposal is considered to preserve the historic character and appearance of the Grade II listed building. As such, the proposal is considered to acceptable with regards to Policies SS10 and HE1 of the Local Plan, Policy TH10 of the TNP and the guidance contained within the NPPF.

This conclusion has been reached with special regard/attention to the desirability of preserving and/or enhancing heritage assets or their setting in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

A further consideration with regards to this application is made in relation to an appeal decision (APP/H1705/Y/18/3204144). The Inspector within the appeal referenced, determined that it was appropriate and the duty of the competent authority to consider the impacts on protected species in the determination of Listed Building Consent. Due to the timing and the retrospective nature of the application an ecological appraisal was requested.

Policy NC1 of the Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance. Policy TE5 of the TNP requires development on unallocated sites that would have an impact on a protected species to provide 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.

The application has been accompanied by a preliminary ecological appraisal, primarily in relation to bats and nesting birds. The assessment has been carried out by M Pearmain and C Carter Paul of Brookside Ecology. A site inspection was carried out on the 27th February 2023. No further surveys were recommended.

The assessment identified that the building offers negligible suitability for bat roosting as the building was well sealed, without obvious access for wildlife. No notable evidence of protected species was present at the time of the survey. Although, as acknowledged by the ecologists, any such signs are likely to have been lost during the course of the renovation works undertaken.

The assessment offers enhancement measures and as per the recommendations of the ecologist, should planning permission be granted these recommendations will be secured by condition. Best practice guidelines are also included.

Subject to the conditions being met, the proposal is considered acceptable with regards to Policy NC1 of the Local Plan and Policy TE5 of the TNP.

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.

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

There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is in favour of the development.

The Social Role

In respect of the social element of sustainable development the balance is in favour of the development.

The Environmental role

Sustaining heritage values is likely to contribute to environmental sustainability, not least because much of the historic environment was designed for a comparatively low-energy economy. Many traditional buildings and building materials are durable, and perform well in terms of the energy needed to make and use them. Their removal and replacement would require a major reinvestment of energy and resources.

The proposal continues to provide a long-term use for a building that has embodied energy within its fabric and the sustainable central location provides lifestyle opportunity that may be less reliant on cars and reduces need for travel. In respect of the environmental element of sustainable development the balance is in favour of the development.

Sustainability Conclusion

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

Local Finance Considerations

Affordable Housing:

Not applicable.

CIL:

The CIL liability for this development is Nil.

S106: Site Acceptability Matters: None. Not applicable to Listed Building Consent.

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.

HRA: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

Planning Balance

Largely the proposal now would be restorative, or where works would be undertaken, they would be to less-sensitive elements of the building and its fabric, minimising and potential negative impact of the proposal on heritage assets. Where harm has been identified, the applicant has provided sufficient justification.

In this instance as the proposal would deliver demonstrable and overriding heritage benefits and the balance weighs in favour of the proposal.

Conclusions and Reasons for Decision

The various works of repair and alterations are acceptable from a policy perspective. Subject to appropriate conditions the proposal is recommended for approval.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations for the reasons stated within this report.

This conclusion has been reached with special regard/attention to the desirability of preserving and/or enhancing heritage assets or their setting in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Officer Recommendation

Approval: Subject to the conditions as outlined.

Conditions

1. Flat roofs

For the avoidance of doubt, the flat roofs of the building shall only be used for maintenance purposes, and shall at no time be used for recreational purposes.

Reason: In the interests of adjoining amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

2. Making good.

All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies SS10 and HE1 of the Adopted Torbay Local Plan 2012-2030.

3. Schedule of works

Within 6 months of the grant of consent, a schedule of the rectification works, including a timetable for the works to be carried out, shall have been submitted to

and approved in writing by the Local Planning Authority. The works shall take place in strict accordance with the approved schedule and in accordance with the approved timetable of works, unless otherwise agreed in writing by the Local Planning Authority.

Before the relevant works listed below commence, details in respect of the following shall be approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details which shall include:

- detailed drawings at scale;
- samples of external facing materials and internal surface finishes;
- schedule of works including a timetable for the works to be carried out;
- a detailed method statement.

In this regard the relevant works are:

- Roof-lights within the crown roof
- Alteration of dormer window (south)
- Removal of unauthorised UPVC windows
- Installation of timber windows.
- Provision of new shutters.
- Relocation of cctv
- Alterations of external lighting
- Removal of entrance canopy

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Ecology enhancements

The development hereby approved shall be carried out in accordance with the recommended enhancement measures set out in the approved ecology report referenced: P-2023-0330-3, received: 13.04.2023

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Informative(s)

In accordance with the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed conditions to enable the grant of consent.

Relevant Policies

Development Plan Relevant Policies

SS10 – Conservation and the Historic Environment

HE1 – Listed Buildings

NC1 – Biodiversity and Geodiversity

TH10 – Protection of the Historic Built Environment