

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 15<sup>th</sup> 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 20<sup>th</sup> 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