

Update Report

Application Site Address	Singleton Gardens Meadfoot Sea Road Torquay TQ1 2LQ
Proposal	Construction of 7 residential apartments, plus landscaping, parking, access and associated works.
Application Number	P/2025/0612
Applicant	Mr R Bishop - O.J. Developments Ltd.
Agent	Mr D Metcalfe
Date Application Valid	11/11/2025
Decision Due Date	06/01/2026
Extension of Time Date	06/03/2026
Updated Recommendation	<p>Minded to Approve: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Place Strategy;</p> <p>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.</p> <p>Confirmation from The Ministry of Housing, Communities & Local Government that the application can be approved by the Council, if the Council has not, in the interim, having considered the merits of the application, decided to refuse the application and that the application will not be called in for determination by the Secretary of State.</p> <p>If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Place Strategy and in consultation with the chairperson.</p>
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by Cllr Foster due to the history of the site and heritage. The Chairman of the Planning Committee has confirmed that he considers the application should be referred to Members for determination in the interest of the public.
Planning Case Officer	Verity Clark

This update report follows on from the publication of the full committee report and should be read in conjunction with this report.

At the time of publication of the committee report the application was still within its 21 day re-consultation period. The following additional representations and consultation responses have been received following the end of this re-consultation period:

Additional Representations

7 additional letters of objection have been received resulting in a total of 36 letters of objection and 25 letters of support. The additional representations received are as follows:

1. (Objects)

In objection to planning application P/2025/0612.

Conservation areas exist to support the significance of architectural and/or historic and/or the special character of an area. In planning consideration, particular attention should be given to conserving or enhancing both the character and appearance of an area.

This application is in the LCA and the Meadfoot Sea Road specifically which has architectural and historic interest against which other considerations should be weighed.

Any application should therefore show sensitivity to the LCA characteristics and be assessed against the ability to meet this and the DE1 policy.

In addition, Torbay Council's Plan for Growth, Regulation 18, Chapter 11 'Designed with quality - taking pride in Torbay's Place Making' highlights the need to:

'Resist low rise development and promote living accommodation above commercial uses where possible';

As well as:

'Acknowledge local character and develop distinctive character in townscape and landscape terms, using existing landform, features';

And:

'Have a clear urban structure and grain that integrates with the surrounding context';

The application does not do this, in design, in use of materials or in consideration of the impact on the site of this scale of proposal and should therefore be considered not sufficiently in keeping with the conservation area and be refused.

2. (Objects)

I thought planning for this application had already been refused. Yet a near identical plan with a few tweaks has been resubmitted. Virtually nothing I can see has changed that would make this development in keeping with the area.

3. (Objects)

We actively object to the proposed planning application, with the following concerns:

Traffic Management and Accessway Rights

The application lacks sufficient clarity regarding traffic management arrangements during both the construction phase and the operational phase of the development. A detailed Traffic Management Plan and Access Plan should therefore be required.

In particular, there is no clear explanation of how the applicant intends to ensure the continued unfettered right of way to our property, Osborne House. The unadopted piece of land that forms our sole Accessway is indicated in the recent amendment to the application, as being part of the proposed site.

We have legally secured this right of way, and the application fails to demonstrate how uninterrupted access will be preserved throughout construction activities.

Furthermore, it is our view that such significant increase in vehicular movement - as to the scale and timeframe of the proposed development - will impede an already difficult right-turn out of our property onto Meadfoot Sea Road: there is limited visibility when turning right, over a steep slope, which will be significantly further impeded by the regular use of the proposed site entrance. It is not possible to drive around another vehicle using that Accessway due to the gradient of the Accessway to the Eastern side.

In addition, the unadopted piece of land already has a damaged surface and heavy vehicular use will exacerbate this: there are no provisions in the planning application to maintain or make good this land.

It is our view that the entrance should be sited further up Meadfoot Sea Road as per Figs 9 and 10 in the DAS, are more suitable for such heavy vehicular use.

The Planning Statement (Supporting Information - P20250612-8), specifically paragraph 7, does not adequately address:

- how contractor parking and construction vehicles will be managed during development;
- how safe access to Osborne House will be maintained at all times; how unfettered right of way to our property is maintained at all times;

- how on-site parking constraints will be managed alongside existing access obligations.

Given these omissions, it is not possible to assess whether the proposal can operate without materially affecting existing access rights.

Should planning permission be granted, it is essential that robust conditions are imposed to:

- preserve the unfettered right of way at all times;
- ensure appropriate traffic and parking management during construction;
- maintain the quality and usability of the Accessway as marked on the resubmitted site plan.
- Maintain safe access to our property at all times.

Highway Safety Standards

Having reviewed the Local Highway Authority's comments dated 10 January that state that the proposed access gate must be positioned a minimum of 6 metres back from the highway, it does not appear that the plans align with this requirement. The submitted drawings do not clearly demonstrate compliance, creating uncertainty as to whether the scheme accords with highway safety standards. Clarification is therefore also required regarding the submitted Swept Path Analysis and how vehicle movements can be accommodated safely within the constraints of the site, given the required siting of the gate.

Should planning permission be granted, it is essential that robust conditions are imposed to:

- secure compliance with highway authority requirements, including gate positioning. Furthermore, the visibility splays as set out in JG04425-JG01 (visibility splays) do not consider vehicular movement exiting Osborne House with our gate set back. This is a concern to us as the right-turn onto Meadfoot Sea Road is blind.

Traffic Impact Following Completion

The proposal includes 10 on-site parking bays, which will inevitably generate a material increase in vehicle movements compared with the current site. While the Design and Access Statement suggests that traffic impacts will be limited, in comparison to the previous application for a larger number of flats, the addition of multiple vehicles does still represent a significant intensification compared with the current use.

Design and Access Statement: massing, inconsistencies and irregularities.

Massing: 3.1: the DAS states that setting the flats back from the road addresses concerns about the last application and which partly formed the grounds for it being refused. We disagree that setting the complex back into the site significantly addresses the massing issue, and concerns remain that this massing, and a large-scale four-storey block on this site, represents a very substantial and visually dominant form of development that is entirely out of proportion with the rest of the road.

The established street scene is characterised by Victorian and Georgian villas of two to three storeys, set within generous plots and designed with articulation, setback, and varied rooflines that soften their overall massing. By contrast, the proposed block introduces a large, monolithic elevation that would read as significantly taller, bulkier, and more intensive than any building in the immediate vicinity.

This road simply does not accommodate buildings of this magnitude. The introduction of a four-storey structure would fundamentally alter the scale hierarchy of the area, creating a single large mass that visually overwhelms adjoining properties, disrupts the established rhythm of the street, and erodes the conservation area's character.

The proposal would therefore constitute an overdevelopment of the site and a marked intensification that is out of keeping with local built form, heritage context, and the expectations for sympathetic infill in a designated conservation area. Setting a precedent of this nature would be extremely concerning and risk further over development of this conservation area.

Critically, there are specific concerns with the planning application in this respect: namely, the precedent provided for 4 storey buildings in the locale. The DAS gives photographs of neighbouring properties, as examples of precedent, and these are tenuous examples at best, if not misleading:

- o Meadville: a plinth is not equal to a storey that facilitates parked vehicles. Please note it is our opinion that Meadville is not an appropriate precedent for the conservation area in this very sensitive context.
- o Palm Grove: a turret does not equate to a lived-in storey.
- o Delamere Court: unclear from the image shared that there is a liveable basement.

Further to this, the DAS provides illustrations of the site that are contradictory: Fig 15 shows three storeys, Fig 16, shows 4 storeys.

Trees within Osborne House not represented in the plans and impact on proposed site and existing trees not considered:

The plans do not show the established line of hornbeam trees along our boundary (Osborne House). Once mature, this species of Hornbeam is very large: these trees

will reach a size similar to those on Torquay seafront and this would encroach on the proposed balconies on the East elevation making the terraces of poor quality, and would lead to necessary continual pruning that could cause stress to our trees.

This omission prevents a proper assessment of light levels, root protection areas, canopy spread, or future pressure for tree removal. It is poor design practice to not have considered the environment.

Osborne House Garden privacy concern and context consideration:

The plans show only our driveway running contiguous to the site (East side), entirely omitting that the space is actually a garden and amenity area with lawn, herbaceous boarder, fruit trees, a line of Hornbeams, under our continuous use. The proposed balconies and apartments would directly overlook our private garden. This context should be considered as part of the planning application process, and the negative impact on our privacy which we object to.

East Elevation looking into Osborne House: clarification needed to assess impact:

818-14B site section 1 prop colour (3).cpt: shows the proposed building as being the same height as our home Osborne House, specifically looking across to our bathroom window and bedroom window. This is particularly concerning given the East elevation describes amenity spaces, specifically terraces, and the use that implies. No drawing provides the height of Osborne House, clarity is needed, particularly given the visual mentioned above.

Correction to Previous Representation - Building Heights

Upon further review of the submitted drawings, I wish to correct my earlier comments regarding inconsistencies in the stated building heights.

Having re-examined documents 20554052, 20553731, and 20553732, I acknowledge that my previous interpretation was incorrect and that the drawings do not, in fact, present conflicting height information. I therefore withdraw my earlier objection relating to inaccuracies in building height data.

All other concerns raised in my representations remain unchanged.

4. (Objects)

Having looked at the revised planning application P/2025/0612 I wish to make a further objection.

The proposed access to the development would be where currently there is what I believe to be currently an unauthorised access. I have looked back through the planning permission to 1977 and can not see a planning application for the current access so this planning application should be for a new access.

The application appears to show access would be onto a section of land, then access onto the highway. The section of land is also an access to next doors driveway. As its a section of land already in use as a an access for next door, this is not mentioned if the application.

I do not understand how an application can be approved to have an access onto someone else's land or land that is part of someone else's access.. Surely any access to the highway should be directly onto the highway with correct measures of splay, dropped kerb, depth set back from road etc. Without a safe direct access onto the public highway this application should be refused.

5. (Objects)

Is it April 1st already? This must be a joke.

This application has been refused previously and nothing has changed.

The illegal removal of the cottage and greenhouse, continued work being undertaken despite enforced stoppage notices, and all the time the council turning a blind eye.

This shows utter incompetence from the Chief Executive all the way through the council, and one cannot help but think that something fishy is going on here.

How can it possibly be acceptable to destroy such a piece of Torbay heritage? You, the council, and we, the public have a right and duty of care to maintain and protect such historical local sites, and to even consider allowing this to be turned into anything but an important Victorian walled garden is abhorrent.

The building of anything on this site has been refused, aspects of it destroyed forever, and yet Torbay Council are so negligent in their role that we are here once again.

This has to be stopped immediately.

6. (Objects)

Dear Sirs

As new owners of Singleton Manor we strongly object to this planning application.

Namely that the National Planning Policy Framework (NPPF) highlights that the environmental objective of sustainable development should be pursued in a "positive

way" (paragraphs 8 and 9 of the NPPF), and Devon CPRE has identified this by the community as having natural and historic built environment qualities worthy of protection and enhancement, which should guide decision making.

Furthermore, in the appeal decision (APP/X1165/W/2023/3333967) in connection with the refusal by the LPA of application P/2022/1186 the planning inspector stated:

14. In my opinion, the largely undeveloped/green open qualities of the appeal site and the substantial walls (including the roadside wall) are part of an important record of a mid-late 19th century villa townscape. Although the layout of the walled garden and its inter-relationship with its immediate surroundings have diminished over time, the appeal site assists in maintaining the historic and attractive spacious setting of some neighbouring former villas within this part of the LCA. This is complemented by many of the surrounding mature trees and woodland, including those identified above. This creates an attractive verdant character and a pleasing street scene. In particular, the view across the appeal site of the woodland to the north, as well as views along Meadfoot Sea Road of the London Plane. As I experienced during my visit, the site also contributes to a sense of calmness and tranquillity within this part of the LCA. Overall, the appeal site makes a positive contribution to the character and appearance of the LCA."

In his dismissal of the appeal, the inspector also stated that:

36. When considered overall, the proposal would have an adverse effect upon the character and appearance of the LCA and harm its significance. It would also intrude into part of the historic settings of 'Singleton', 'Palm Grove' and 'Meadfoot Lodge' and, in so doing, harm their significance (historic interest). In failing to respect and enhance the special qualities of the area the proposal would conflict with the overall thrust of LP policy DE1. This would amount to an inconsistency and conflict with the aims and provisions of LP policy H1.

Local planning policy is clear regarding the need for new development to contribute to local character and distinctiveness (Policy SS10 and DE1), with Policy NC1 specifying that development should not result in the loss or deterioration of habitats, with the emphasis upon conservation and enhancement.

Given the significant number of representations raised by the community, concerns are raised that the proposal does not accord with national or local planning policy.

The application should be refused.

7. (Objects)

We completely agree with the CPRE on the views about Singleton Gardens

The National Planning Policy Framework (2021) (NPPF) highlights that the environmental objective of sustainable development should be pursued in a "positive way" (paragraphs 8 and 9 of the NPPF), and Devon CPRE would like to emphasise that this site has been identified by the community as having natural and historic built environment qualities worthy of protection and enhancement, which should guide decision making.

Local planning policy is clear regarding the need for new development to contribute to local character and distinctiveness (Policy SS10 and DE1), with Policy NC1 specifying that development should not result in the loss or deterioration of habitats, with the emphasis upon conservation and enhancement. Trees also have an important role to play and Local Plan Policy C4 highlights this.

Given the significant number of representations raised by not only the community, but specialists including an arboriculturalist, concerns are raised that the proposal does not accord with national or local planning policy. It should therefore be refused.

Additional Consultation Responses

2 additional consultation comments have been received:

Senior Tree Officer:

Based on the description, there do not appear to be any changes to the provision of arboricultural information with this application. On this basis I have no further comments to make on this application.

Highways Engineer:

It appears there are no changes on this to when we previously commented. Portal suggests that a new site location plan and application form has been provided but no changes to the proposals so I assume no new highways comments needed?

Officer Update

To clarify matters of access and the red line, the proposal still seeks to block up the existing access and form a new vehicular and pedestrian access. The red line has been extended to encompass a section of unregistered land between the public highway and the current access in line with the requirements for a site location plan red line which must include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway). The applicant has indicated that the existing unregistered land leading to the current access will be utilised to access the site during the construction period which is why the red line has been extended. There is no indication that this area of unregistered land will be used for any purpose other than for vehicular and pedestrian crossover access into the site. Condition 1 (construction method statement) is recommended to secure construction

and traffic management details which includes parking, loading and unloading and storage of materials which will allow oversight of these matters.

The Ministry of Housing, Communities & Local Government (MHCLG) issued a letter on the 25th February 2026 to Torbay Council to exercise the powers of the Secretary of State under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to direct the Council not to grant permission on this application without specific authorisation. This direction is issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination. The letter confirmed that this direction does not prevent the Council from considering the application, forming a view as to the merits or, if so minded, refusing permission.

The Planning Committee can therefore still consider the merits of the application, and if they choose, can be minded to approve the application, however consent cannot be granted until the MHCLG confirms authorisation.

In light of this, the officer recommendation has therefore been updated to the following:

The officer recommendation is one of minded to approve subject to:

- The conditions as outlined in the committee report with the final drafting of conditions delegated to the Divisional Director of Place Strategy.
- 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.
- Confirmation from The Ministry of Housing, Communities & Local Government that the application can be approved by the Council, if the Council has not, in the interim, having considered the merits of the application, decided to refuse the application and that the application will not be called in for determination by the Secretary of State.
- If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Place Strategy and in consultation with the chairperson.