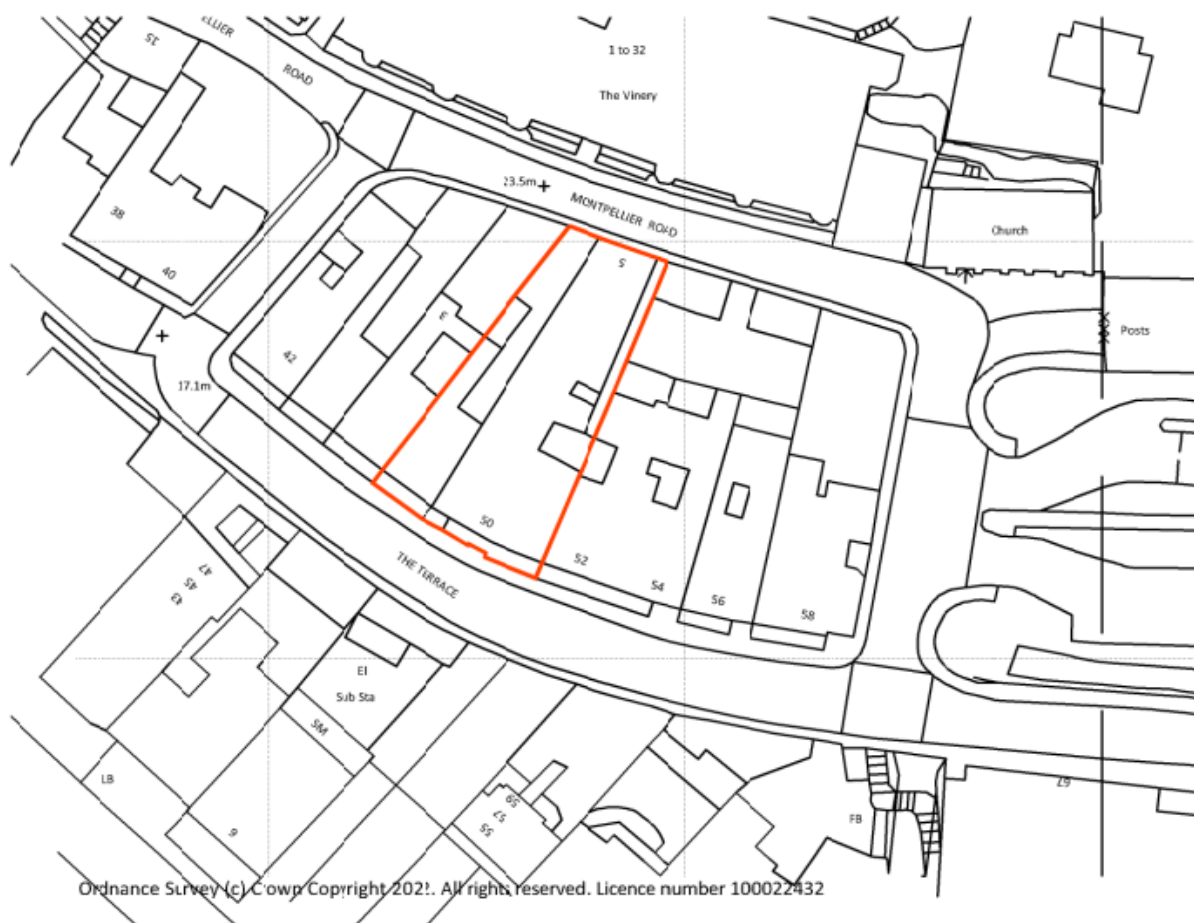


Application Site Address	48-50 The Terrace, Torquay
Proposal	Listed building consent for the change of use from office (Use Class E) to residential (Use Class C3), internal alterations, extensions, including conversion of 5 Montpellier Road with car parking to rear to create a total of 12 apartments (see accompanying P/2022/0895). Description of development changed and amended plans received on 30 January 2023.
Application Number	P/2022/0896
Applicant	Knights spur Homes Ltd.
Agent	Narracotts Architects
Date Application Valid	04.10.2022
Decision Due date	29.11.2022
Extension of Time Date	30.06.2023
Recommendation	<p>Approval of listed building consent subject to:</p> <p>The conditions as outlined, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</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 Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Listed building consent as part of major development.
Planning Case Officer	Jim Blackwell

Location Plan



Site Details

The site comprises both 48 and 50 The Terrace. The properties originated as two terraced, mid-19th century town houses. In the 20th century they were converted to offices and at some point in time an internal link was created between them. The offices were used for an accountancy firm until June 2019. The buildings have been vacant since that time.

The northern boundary of the site adjoins Montpellier Road which serves as secondary access to the rear of The Terrace properties. The southern boundary of the site is adjacent to The Terrace.

No. 5 Montpellier Road is a two storey 20th century building on the highway edge forming the rear (north) entrance to the site. It is also currently vacant. The building has rendered walls, mixture of timber and uPVC windows and large areas of flat and mono pitched roofs which are covered with felt roof surrounding small, pitched or mono-pitched sections of slate and artificial slate with concrete and glazed ridge tiles.

The entire terrace including no.'s 42-58 is grade II listed and lies within the Torquay Harbour Conservation Area. St John the Apostle Church on Montpellier Road lies to the north, is Grade I Listed. The entire terrace contributes to this group value. The Torquay Harbour Conservation Area Appraisal identify the row as important buildings with an unspoilt frontage.

The site is highly visible within the town centre and harbourside. It is on the stepped slope above the inner harbour and a major feature of the townscape and considered an important

part of the conservation area.

The site is also designated as being within the 'Town Centre' under the Local Plan and within Flood Zone 1.

Description of Development

The development proposes the change of use from offices in numbers 48 and 50 The Terrace to residential with the provision of 10 residential apartments, comprising 3 one bedroom, 6 two bedroom and 1 three bedroom properties. No. 5 Montpellier Road would be converted to create 1 one bedroom apartment and 1 two bedroom apartment. The total number of new residential units would be 12. The properties would be separated along their original flank walls and access to all apartments provided through the principal entrances on The Terrace. New internal sub-divisions would be kept to the minimum necessary to ensure ease of flow and movement around the apartments and new structures are confined to the rear courtyards, removing or remodelling the unattractive, modern built elements and providing small external areas for some of the apartments where possible and appropriate.

The proposed internal alterations to create the new apartments have been carefully considered during the design process to ensure the retention and restoration of the historic floor plans, features and detailing.

The rear of the site includes a number of flat roof extensions with the creation of three small roof terraces. Again, these works balance the removal of previous poor quality extensions with simplifying the internal layouts.

The scheme also includes the retention of no. 5 Montpellier Road and conversion into 2 one bedroom flats with access to an internal courtyard beneath. The internal courtyard would contain seven parking spaces, air source heat pumps, cycle and bin store.

The scheme also includes a strategy for repair, restoration and reinstatement of features where appropriate, such as windows and doors.

There have been a number of amendments to the original applications include:

- An internal passenger lift has been omitted from no. 50.
- A car lift and below ground car park has been omitted.
- The existing structure of no. 5 Montpellier Road is no longer being demolished and reused to form new site entrance, bin and cycle store at street level and create two flats at first floor level.
- A sensitive, modern extension to the rear of no. 48 rather than large scale three storey extension.
- Refinement of the rear extension to no.50.
- Omit the flat, clad square roof design and create a mansard with slates.
- Refine the large central large, glazed window and create a curved dormer roof.
- Provided additional Drainage Strategy information.
- Provided extensive additional heritage assessments and design refinements in response to Historic England comments.
- The overall quantum of development has been reduced from 13 flats to 12.

Pre-Application Enquiry

None.

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 2012-2030 (TNP)

Material Considerations:

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- 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:

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works, the local planning authority or, as the case may be, 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

P/2022/0895	Planning permission for Change of use from office (Use Class E) to residential (Use Class C3), internal alterations, extension, demolition of 5 Montpellier Road and construction of apartment block with car parking to rear to create a total of 12 apartments (see accompanying P/2022/0895)	Under consideration
P/1988/0448	Alterations And Formation of New Windows	Approved 16/05/1988
P/1988/0447	Alterations To Form Additional Office Accommodation	Approved 16/05/1988

Summary of Representations

No objections.

Summary of Consultation Responses

Torquay Neighbourhood Forum:

No comments.

County Archaeologist and Historic Environment Manager:

No comments received.

Torbay Council's Engineering Service Manager:

No objection, subject to a condition within the planning approval that the design for the surface water drainage serving the car parks and Montpellier Road must have a limiting discharge of 1.5l/sec and the developer must demonstrate that there is no risk of flooding to property on the site or any increase in risk to property or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change.

Building Control:

No objection. In addition to the planning application the agents will need to consider how the internal layout will meet the requirements of the Building Regulations i.e., inner rooms, ventilation, means of escape routes etc. We would expect a Building Regulation application to be submitted that explains how Fire Safety requirements will be met, Damp proofing/tanking, Acoustic compliance between apartments etc, A full ventilation strategy including mechanical extract terminals on the outside of the building where necessary, thermal insulation upgrades to retained thermal elements such as floors, walls, roofs and windows, Solid waste storage locations and capacity etc. This list is not intended to be exhaustive but highlights issues that you may wish to highlight to the Agents as your discussion develops.

South West Water:

No objection.

Asset Protection

Please find enclosed a plan titled "The Terrace Torquay TQ1 1DD Sewer records" showing the approximate location of a public 2150mm by 2150mm sewer in the vicinity. Please note that no development will be permitted within 5 metres of the sewer, and ground cover should not be substantially altered.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off.

Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate

why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Environment Agency:

No comments received.

Devon County Council Ecology:

No objection. There will be no impact to the European site as part of this application. All potential impacts have been screened out.

Police Designing Out Crime Officer:

No objection subject to an appropriate level of parking to avoid disputes and lighting of dark areas.

Fire Safety Officer:

No objection. As the proposal will be subject to Building Regulations and the Regulatory Reform (Fire Safety) Order 2005, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority.

Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations, to include access requirements for Fire Service Vehicles (B5). These include Vehicle Access, including minimum road widths, turning facilities for fire service vehicles and maximum reversing distances of 20meters.

Torbay Council's Highways Engineer:

The following information is required:

- Site access needs to be more clearly demonstrated on the site plan with visibility splays shown;
- Swept path analysis for a car accessing and egressing the car park is required;
- Details on disabled parking should be provided; and
- Outline of a refuse management plan is required.

Torbay Council Community Safety Team:

No objection subject to the inclusion of a condition requiring a Construction Management Plan.

Historic England:

Concerns on heritage grounds

Significance

The significance of 48-50 The Terrace, and of The Terrace as a whole, is described in our previous letter dated 20 October 2022, which this letter should be read in accordance with. I would note that the front elevation of the building is by far the most prominent and is central to the significance of the building.

Impact

The revised drawings show the retention with alterations of the rear building to Montpellier Road, and a minor revision to the treatment of the proposed roof extension.

Given that the significance of the building lies primarily in the front elevation, ensuring a full, scholarly restoration of the front elevation should be a high priority. Any trade-offs necessary in order to attain this should be made at the rear of the site.

A full restoration of the front elevation of 48-50 would include; restoration of the segmental-headed shape of the top of the second floor window openings to No. 50; removal of the projecting moulded sill band at second floor level, which is not original, and the installation of

flat-fronted projecting stone sills like most of the windows in the terrace retain; removal of the prominent downpipe in the middle of the façade of No. 50; replacement of the existing windows to the first floor of No. 50 with six over six sashes (the sills of all five windows should remain at the level of the existing windows, because this is the original first floor sill level of the whole terrace); similarly the raising of the first floor sills of No. 48 to the original level; the restoration of the window and door openings at ground floor level of No. 50 to their original form, with semi-circular recessed arches; the restoration of a central door and windows at ground floor level of No. 50 to the original designs; making good of the railings to reflect the removal of the left hand doorway to No. 50; replacing the windows of the two outer attic dormers with timber ones of a suitable design, and finally returning the central dormer to its historic form to match the other two. The original semi-circular ground floor windows and door opening are shown clearly in these two historic images.

Some of these changes are included in the application, but not all are, and the detailing of the proposed new central doorway does not match the historic photos. This should be revised, so that all changes made to the front elevation are in accord with the original design.

In terms of the treatment of the attic roof of the building, the front slope is an integral part of the front elevation and is prominent in long views, of which there are many of this landmark building in this hilly town. What the list description rightly describes as 'some unfortunate attic additions' have already been made to Nos. 46-48 and 52-54. These have caused harm by eroding the unity, coherence and proportions of the roof of the terrace, originally characterised by a low slate pitched roof punctuated by a regular rhythm of small arched dormers and party wall parapets with chimneystacks between each house, and by looming over what was formerly a crisp, clean line between the cornice and the skyline when viewed from the street below.

This harm would be exacerbated by adding another attic extension to No.50, with a slightly higher ridge and extending upwards at a vertical angle from behind the cornice. The lack of symmetry in the attic extension would jar in this very symmetrical, classical house, and the large areas of glazing would be disproportionately sized and would make the roof extension more prominent. The setback for the roof terrace would be visually disruptive and would allow the space to be populated with domestic clutter, planters, barbeques etc, causing further visual disruption. The proposed glazed balustrade would be very prominent in certain lighting conditions because of its reflectivity, and would be a discordant addition, causing a significant degree of harm. While it will be for your Authority to judge the overall balance of harm, Historic England suggests that the extensive glazing proposed at attic level and on the parapet would cause gratuitous harm that has not been adequately justified.

Recommendation

Historic England has concerns regarding the applications on heritage grounds addressed in order for the applications to meet the requirements of paragraphs 200, 202 & 206 of the NPPF.

Waste:

No objection.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Impact on heritage assets

1. Principle of Development

The two grade II listed buildings comprise former offices in the built-up area, in a Community Investment Area, the Torquay Harbour Conservation Area and within the defined Town

Centre. The principle of a change of use from vacant office to residential apartments is considered acceptable, for the reasons below.

Policies SS12 and H1 of the Local Plan supports proposals for new homes in the built-up area, subject to wider policy consistency, and promotes the re-use of brownfield land and the need to provide homes and meet housing needs. In addition, Policy TC1 of the Local Plan states that housing provision, within town centres not covered by primary or secondary shopping frontages, together with the reuse of underutilised floor space above existing commercial premises as a source of housing supply, will be supported. These policies support the provision of housing where it is sustainable development.

In terms of the Torquay Neighbourhood Plan the central policy guidance re principle is contained within Policy TT2 (Change of Use in Conservation Areas and Listed Buildings), which offers that within designated Conservation Areas the change of use, where proposals require consent, will be supported in principle (subject to other policies in this Plan) to ensure a sound future for such heritage assets and wherever possible unsympathetic development of the past is removed or altered to enhance the historic environment.

For the reasons above the principle of the change of use is aligned with the aspirations of the Development Plan.

In terms of national guidance, the NPPF seeks to support the vitality of town centres, confirming that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It recognises, in Paragraph 86, that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

It is also relevant to note that the Council is currently falling short of a 3 and 5-year housing land supply and that the proposal would make a moderate contribution to this shortfall being addressed as a windfall brownfield development. The application of the 'tilted balance' in favour of sustainable development is a material policy consideration as identified by the NPPF. However, as cited above, the principle of residential is supported for the reasons stated. The 'tilted balance' guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In regard to applying the 'tilted balance' it is relevant to note that there are heritage considerations due to the Conservation Area setting and works to listed buildings. As concluded within this report there are no heritage reasons that provide clear reason for refusing the application, so the 'tilted balance' is considered applicable. This guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the NPPF and the 'tilted balance' guidance, this does not displace the primacy of the Development Plan.

As stated for the reasons above the principle of the change of use is aligned with the Development Plan and is hence supported, having regard for the aims and objectives of Policies SS12, H1, TC1 and TT2 of the Development Plan.

2. Design and Visual Impact

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Para 126). It also states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (Para 134). In terms of the Development Plan Policy TH8 'Established architecture' is the key policy tool within the Torquay Neighbourhood Plan and cites that development must be of good quality

design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings. Policy TT2 (Change of Use in Conservation Areas and Listed Buildings), offers that the change of use will be supported in principle to ensure a sound future for such heritage assets, and wherever possible unsympathetic development of the past is removed or altered to enhance the historic environment.

In terms of further advice within the Development Plan Policy DE1 of the Local Plan outlines the importance of good design and is also a key policy tool in design terms.

The local topography, urban and historic contexts are complex, each has individual constraints especially when taken as a whole. Having considered both local and national policy guidance the design is considered to provide an acceptable form of development within the context. The key components of the assessment that inform this judgment are outlined below.

The proposed conversion, demolition and extension to this sensitive site are considered acceptable in the round. Following a range of discussions and consultation responses during the application process the design has been revised as set out previously in this report. In summary:

- An internal lift has been omitted from no. 50 due to the loss of historic fabric of the building and the level of harm.
- An internal car lift and below ground car park have been omitted due to the level of harm caused to the below ground structure and the level of complication required in terms of engineering works.
- No. 5 Montpellier Road is no longer proposed to be demolished and would be reused to form new site entrance, bin and bike store at street level and form two flats at first floor level. The scale of the potential building was considered overly dominant in the streetscene and would have had an impact on the setting of the listed buildings.
- The flat, clad square roof design has been omitted. A more appropriate slate mansard roof is now proposed.
- The large central large, glazed window has been amended to create a curved dormer roof.
- The rear extensions have been refined and reduced in scale due to the impact on the existing buildings.
- A range of additional information regarding drainage, movement, parking and landscaping has been provided.
- The number of units have been reduced following the above amendments from 13 flats to 12.

Layout

In terms of the basic layout, there is sufficient space around the buildings and within the development site to provide adequate landscaping, storage parking and present an acceptable setting for the development, that would not cramp or overdevelop the site.

The internal layouts of 48-50 The Terrace has gone through a number of design refinements and are now supported by Officers.

A hard surfaced, landscaped car park is proposed between the main building and no. 5 Montpellier Road. Gated access is provided through the building with two flats above. This first floor level takes into consideration the change in height between The Terrace and Montpellier Road. The internal and external layouts are therefore considered acceptable. Further highway matters and access are dealt with later in this report.

Appearance

In terms of the material palette, it is proposed that high quality, traditional materials found within the existing mid-19th century buildings features would be used. The existing main façade facing The Terrace comprises timber sashes and concrete painted window cills, carved and square head openings with wrought iron balustrades.

No. 48 retains a well preserved main entrance with original six panel doors and a glazed decorative fan light. It is proposed to return no. 50 to its original Georgian appearance, including restoration of the original central entrance. The proposed entrance would be a timber six panel door, with glazed decorative fan light on top. The new entrance itself would be decorated with Georgian pilasters, decorative consoles and projecting cornice on top. All doors and windows would match existing and walls finished in painted render, to match front façade. Existing Victorian windows in no.50 would be removed and reinstated to the original Georgian style; 12-pane sash windows at the ground floor and 15-pane sash windows at the first floor. As part of this process, it is proposed to lower the window cills down at the first floor, to match no.48. The second floor would receive new three over six pane sash windows. In total, the existing front and rear façade of no.'s 48 and 50 would have new wooden sash windows and solid wood doors, to match existing, concrete window cills painted white, metal rainwater goods and painted white render finish.

The impact on heritage assets is dealt with in the section below and again in the accompanying planning application Officer report. The proposed central dormer with its gently curved roof and simple vertical glazing is considered an enhancement compared to the current flat roof dormer with uPVC doors and windows which introduces incongruous features into the roofscape. That said, a bi-fold door has been included within the central dormer. Historic England clearly required the third floor to be redesigned and this been achieved to an appropriate level of detail. A condition has been suggested to further refine the door design and ensure a bi-fold door do not create a large opening at this high level, puncturing the proposed roofscape. Three simple doors are considered appropriate, and a suggested condition would ensure these details are agreed to the satisfaction of Officers. The mansard roof means there is limited space to use as a terrace. A further suitable condition has also been suggested to ensure that no domestic paraphernalia can be stored on the terrace.

Historic England comments have been considered and balanced with the full range of other significant improvements to the fabric of the building and the public benefit of bringing this vacant building back into a positive use. The repair and reinstatement work as proposed make sufficient steps to ensure the building would be fully used and to a high standard. These details are therefore considered acceptable subject to conditions.

No. 5 Montpellier Road would be refurbished with gated access provided through at street level. The walls would be of render, natural stone and slate. The proposed doors and windows are shown as aluminium in the new built elements which is considered acceptable. Given the significance of the building a condition has been suggested to ensure the details are acceptable. Historic England comments were focused on the restoration of the front elevation facing The Terrace. The retention of this existing building, including improving material palette is therefore considered acceptable.

When considering policy guidance, the proposal is deemed to be in accordance with Policies DE1, SS10 and HE1 of the Local Plan, TH8 of the Torquay Neighbourhood Plan, and is aligned with the guidance contained in the NPPF in terms of good design and heritage assets.

3. Impact on Heritage Assets

The titled balance requires an assessment of the NPPF policies that protect heritage assets. NPPF (2021) provides guidance as to 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 (Para 199). 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 200). 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 202).

In terms of the Local Development Plan, it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan). This is aligned with the duties for decisions as required by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.

The applications are supported by a range of statements of heritage significance and additional supporting assessments. Issues are detailed in the accompanying listed building consent application.

In terms of significance, the curved form of The Terrace is highly visible from much of Torquay and beyond and is particularly grand when viewed from across the harbour. The grade II listed terrace of nine houses was constructed in 1811, designed by Jacob Harvey, the first of Sir Lawrence Palk's interventions into the architecture and landscaping of the town. The white stucco, continuous railed balconies and rusticated, round-headed doorways with keystones create an impressive aspect, and whilst some of the qualities have been eroded by insensitive alterations, the overall impression is of a well maintained and attractive group.

The Terrace forms an integral part of the Torquay Harbour Conservation Area, particularly given the local topography and close proximity to nearby significant heritage assets. The prominence and significance of no. 50 is expressed in the five bays rather than just three bays, and by being set forward by approximately 300mm from the building line of the rest of The Terrace, also by its larger second floor windows. Unique features such as the elliptical stair with lantern also demonstrate its planned higher status.

In terms of the surrounding heritage assets, to the north west lies St. John the Evangelist parish church, listed grade I, a Gothic Revival church built between 1861 – 1873. Unity Church listed grade II lies to the north east. St John's House, the only 19th century dwelling remains on Montpellier Road next to St Johns Church to the north west. The apartment block directly to the north of the site, opposite no. 5 Montpellier Road, is identified within the Conservation Area Appraisal as being key buildings and building groups of architectural importance or which make a significant contribution to the townscape. It is therefore clear that any change to the proposed sites have required careful analysis and consideration.

In terms of internal alterations, No. 48 has been conserved at a higher level than no. 50 and its features are continued to be preserved in the current proposal, notably the existing staircase. No. 50 would be restored through the reinstatement of its entrance hall, elliptical stair, recreating the original room forms, removing modern partitions along with the conservation of its key period features including cornicing, fireplaces and joinery. The entire 20th century office alterations and features would be removed, and any issues of repair and water ingress resolved. The internal alterations are considered acceptable and make a positive contribution to the significance of both buildings.

Historic England have provided two sets of comments, the first of which was supportive of the proposed reinstatement of many of the elements which have been lost or damaged through

the previous office use, particularly in no. 50. These include the reinstatement of multi-paned sash windows, the reinsertion of the central elliptical stair and a central doorway. Conditions were suggested to ensure the level of detail was sufficient to reflect the significance of the buildings. They go on to raise concerns about the scale of the roof extension and symmetry of the fenestration. As discussed previously, these details were noted by the applicant and the application details refined. The roof has been redesigned to create a slate covered mansard and the windows positioned centrally to continue the established rhythm in the adjoining terraces. The decision on balancing the level of harm between the public benefits of bringing back the property into residential use was noted to be down to Officers. The submission of additional information and amended plans appears to achieve that balance and Officers consider the proposal acceptable.

A second response from Historic England set out a range of comments suggesting the full restoration of the front elevation. A balance has again been struck and Officers are satisfied with the level of detail and range of repair and reinstatement works. The impact on the setting of the surrounding designated heritage assets is considered to be positive. The restoration of the fenestration to the front, managed change to the roof and use of appropriate materials ensures that the proposal would not unduly impact the architectural or historic quality and integrity of the surrounding heritage assets and their setting.

In terms of detail, the second range of comments have been fully considered. In summary this has been achieved by limiting the increase in height of the roof (to enable head height to be achieved), creating a slate mansard roof (rather than vertical, box roof extension), creating symmetry within the roof slope (through the fenestration position) and reduction in the amount of glazing.

The full window restoration, blocking up of the existing front door to No. 50 and the recreation of the central front doorway is clarified within the Heritage Statement based on historic photographs and internal evidence. Limited fabric would be lost through the fenestration works or recreation of the central front doorway. The proposed windows would match the remainder of Higher Terrace and the recreation of the central front doorway represents an enhancement to the front elevation and in turn, setting of listed buildings and the Torquay Harbour Conservation Area.

The key issues have also been resolved by the removal of the glass balustrade and proposed roof terrace. A condition has been suggested to control the use of the narrow terrace to preclude any domestic roof paraphernalia. These details are now considered acceptable by Officers and find a balance with the more recent concerns by Historic England. Conditions have been included to secure further details to ensure the quality of the development.

The proposal is therefore considered to be in accordance with Policies SS10 and HE1 of the Local Plan, Policy TH10 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

This conclusion has been reached in relation to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Sustainability

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

The Economic Role

Housing provision is a driver of economic growth and there would be economic benefits of bringing the site into use and into a residential use. Aside the longer-term economic benefits of local spend from occupants the construction phase would also create jobs within the local economy. There are no adverse economic impacts that would arise from this development. The building has not been used for approximately four years and the provision of 12 households in the town centre will help town centre vitality and viability. In respect of the economic element of sustainable development the balance is in favour of the development.

The Social Role

The principle social benefit of the proposed development is that it would help deliver good-sized units, in one, two and three beds, that could be occupied by singles, couples or small families, helping aspirations towards mixed and balanced communities. This would be in an area that would be well located for shops, services and job opportunities for occupants. In respect of the social element of sustainable development the balance is in favour of the development.

The Environmental role

The environmental benefits are considered positive. It provides 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

CIL

Not applicable for listed building consent works. For information, based on the submitted CIL form as part of the accompanying planning application, which provides an indication, subject to formal determination, that the proposal, which is stated as delivering 1346 sqm of CIL liable floorspace, is likely to deliver circa £40,380 in CIL payments.

S106

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

Affordable Housing: Not applicable for listed building consent works or for this scale of development on a brownfield site.

Sustainable Development Matters: N/A as CIL liable development. Not applicable to LBC elements.

S106 legal agreement hence not required. No obligations necessary to make the development acceptable.

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

The planning assessment considers the heritage policy and material considerations in detail. It is considered that the scheme provides much needed housing and sensitively convert the existing listed buildings would produce a positive impact overall. It is also noted that it will trigger a CIL payment of approximately £40,380.

Conclusions and Reasons for Decision

The various works of repair and alterations are acceptable from a policy perspective and will provide a suitable use for the location in what are currently a vacant pair of office buildings and deliver much needed housing.

The proposal will provide an acceptable standard of accommodation when considered in the round and in the location is very sustainable with easy access to shops, facilities, employment opportunities, sustainable transport modes, and local parks.

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.

Officer Recommendation

Approval: Subject to the conditions as outlined.

Conditions

1. External improvements

Unless an alternative phasing plan is agreed, the external works to the front elevation will be completed prior to the occupation of 48-50 The Terrace.

Reason:

To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and TH10 of the Torquay Neighbourhood Plan.

2. Detailed Design

Prior to the installation the following details, to a scale between 1:1 and 1:5 where appropriate, shall be submitted to and approved in writing by the Local Planning Authority:

- (i) sedum roofs
- (ii) solar panels
- (iii) balcony and terrace enclosures
- (iv) gate to no. 5 Montpellier Road
- (v) structural works to support parking deck
- (vi) attenuation tank design, fixing and associated pipework

The development shall proceed fully in accordance with the approved detailed design elements on the submitted and approved plans (including the approved reveal depths).

Reason:

To secure appropriate form of development in accordance with Policies SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH8 OF THE Torquay Neighbourhood Plan, and the NPPF.

3. Amended plan details

Notwithstanding the submitted details, prior to the installation of new glazing including windows and doors within the roof of no. 50, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Three individual doors with frames between each door.

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy TH10 of the Torquay Neighbourhood Plan.

4. Works of making good

All new external 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 safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and Policy TH10 of the Torquay Neighbourhood Plan.

5. Roof material sample

Prior to the installation of any roof covering a sample of the roofing material proposed shall be submitted and approved in writing by the Local Planning Authority.

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason:

To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and TH10 of the Torquay Neighbourhood Plan.

6. Window and doors details

Notwithstanding the approved plans and details, prior to the installation of new windows and doors, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Broken sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors
- Reveal sections, drawn to a scale of 1:1-1:10
- Sill sections, drawn to a scale of 1:1-1:10
- Dressed stonework, drawn to a scale of 1:1-1:10

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason:

To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the of the Adopted Torbay Local Plan 2012-2030 and TH10 of the Torquay Neighbourhood Plan.

7. External render

Prior to the installation of external render materials, sample panel(s) of all new render shall be provided on site showing the proposed render mix, colour and final surface texture, and the materials and methods shall have been submitted and approved in writing by the Local Planning Authority. The approved sample panel(s) shall be retained on site until the work is completed.

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason:

In the interest of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH10 of Torquay Neighbourhood Plan.

Informative(s)

In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

Local Plan

DE1 – Design
DE3 – Development Amenity
ES1 - Energy
TA2 – Development Access
TA3 – Parking Requirements
ER1 – Flood Risk
ER2 – Water Management.
NC1 – Biodiversity and Geodiversity
HE1 – Listed Buildings
SS3 – Presumption in favour of Sustainable Development
SS4 – The Economy and Employment
SS10 – Conservation and the Historic Environment
SS11 – Sustainable Communities
SS14 - Low carbon development and adaptation to climate change
C4 – Trees, hedgerows and natural landscape features

Torquay Neighbourhood Plan

TH8 – Established Architecture
TH9 – Parking Facilities
THW5 – Access to sustainable Transport
TE5 – Protected species habitats and biodiversity
TH10 – Protection of the Historic Built Environment
TS1 – Sustainable Development
TS4 – Support for Brownfield and Greenfield development
TT2 – Change of use in Conservation Areas and Listed Buildings