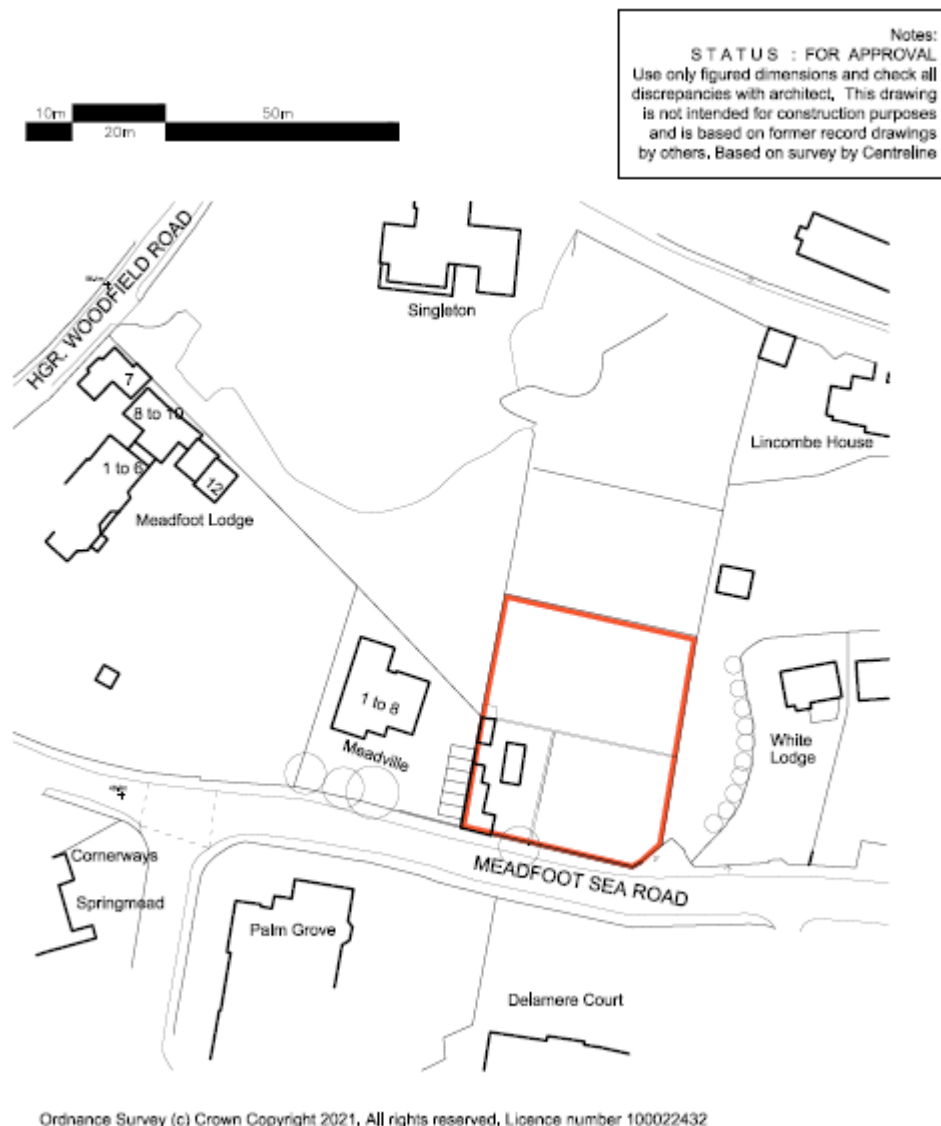


Application Site Address	Singleton Gardens Meadfoot Sea Road Torquay TQ1 2LQ
Proposal	Partial demolition of existing dwelling house, demolition of greenhouse and outbuilding and construction of replacement dwelling and associated works.
Application Number	P/2025/0423
Applicant	Mr R Bishop - O.J. Developments Ltd.
Agent	Mr G Cridland
Date Application Valid	17/07/2025
Decision Due date	11/09/2025
Extension of Time Date	14/11/2025
Recommendation	Approval: Subject to; The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; 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. 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 Planning, Housing and Climate Emergency and in consultation with the chairperson.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by Cllr Foster due to the history of the site, enforcement matters 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

Location Plan



Site Details

The site, Singleton Gardens, is a residential dwelling with land on the northern edge of Meadfoot Sea Road.

Householder planning application P/2023/0994 granted consent on the 5th March 2024 for alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works. Works to implement this consent took place within the required timescale however on the 18th April 2025 the Council was made aware of works to the site that exceeded those allowed via this consent. These works included the partial demolition of the original dwellinghouse.

Contrary to the planning permission, the unlawful partial demolition of the original dwelling has taken place rather than just the extensions and external walls that were

specifically authorised by the consent. The Council's position is, therefore, that, given that the planning permission did not, within its operative part, authorise the relevant demolition (i.e. the unlawful demolition of the majority of the original building and adjoining boundary to Meadfoot Sea Road), the planning permission has not survived and is no longer implementable.

The site currently features the partially demolished residential dwelling and adjoining boundary wall to Meadfoot Sea Road.

Prior to the works that were purported to be pursuant to the P/2023/0994 consent taking place, the residential dwelling (which included a number of extensions) on the site was modest in scale within a large plot. The site was enclosed by stone and rendered boundary walls. The land rises to the north towards Lincombe Drive, with a copse of trees set above the northern extremity of the site boundary. To the north-west of the site are two large villas (Singleton and Meadfoot Lodge) with extensive grounds and directly to the north west is Meadville which is a modern building in use as flats. To the east lies an array of private houses of varying ages and types. To the south of the site, on the opposing side of Meadfoot Sea Road are large villas with extensive grounds.

The site is located within an existing residential area, is designated as Flood Zone 1, is situated within the Lincombes Conservation Area and is subject to Area Tree Protection Order (1973.001). Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed.

Description of Development

The application seeks partially retrospective permission for the partial demolition of the existing dwellinghouse, the demolition of the greenhouse and outbuilding and the construction of a replacement dwelling and associated works.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of functions under planning legislation with respect to buildings or other land within a conservation area, special attention shall be paid by Local Authorities to the desirability of preserving or enhancing the character or appearance of that area. This statutory duty applies to the Lincombes Conservation Area. The Act also sets out the general duty as respects listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. 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

Material Considerations

- National Planning Policy Framework (NPPF)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning Practice Guidance (PPG)
- Lincombes Conservation Area Map
- 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:

Summary of Consultation Responses

Principal Historic Environment Officer:

Detailed Proposals:

Partial demolition of existing dwelling house, demolition of greenhouse and outbuilding and construction of replacement dwelling and associated works.

Relevant Policy

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Similarly, Section 66 of the 1990 Act sets out the general duty in respect of listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This statutory requirement needs to be considered alongside relevant heritage guidance contained in the National Planning Policy Framework (2024) which requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (Para 208).

Paragraph 210 goes on to state that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 considers that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

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).

Paragraph 215 adds 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'.

With regards to non-designated heritage assets (NDHA), the NPPF states in paragraph 216, that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Paragraph 217 adds that 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.' If assets are to be lost, paragraph 218 states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Finally, the NPPF requires local planning authorities to look for opportunities for new development within conservation areas to 'enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably' (Paragraph 219).

In terms of the 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).

Policy SS10 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make up Torbay's built and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay.

Significance of Identified Heritage Assets:

Designated:

Lincombes Conservation Area

The building is a mid 19th century cottage within large grounds enclosed by stone and rendered boundary walls within the Lincombes Conservation Area and is identified as being a 'key building'.

This part of Meadfoot Sea Road is characterised by the numerous large villas dating from the early 19th Century onwards and being predominantly 'Italianate' in their architectural language, with complex accretive massing, heavy articulated eaves detailing and multiple localised symmetries. The plot to building relationships and ratios are noteworthy with large villas set back from the main frontage and sitting within generous gardens.

It is likely that Singleton Gardens was built as a walled garden to serve one of these properties, most probably the house known as Singleton. The walled gardens would have yielded vegetables and top-fruits for the owners, and the historic presence of glasshouses perhaps suggests a desire to impress through the cultivation of tropical crops. This connection is of some local interest, and the surviving boundary walls and open spaces expressed through their former use contribute to the appearance and interest of the Lincombes Conservation Area.

Historically the gardens contained a well, glasshouses and other ancillary buildings. Most of the garden features and structures, which would have been standard in a small walled garden such as this, have been lost or altered and the fabric of the walled garden has been significantly eroded by cumulative post-war changes and loss. In addition, any historic association and connection with Singleton has also been lost. A modest dwelling occupies the site, although has now been largely demolished along with a significant proportion of the southern gable elevation which faces Meadfoot Sea Road and forms part of the boundary to the site.

The outbuildings within the site include the greenhouse, which is believed to date to the period between 1933 and 1953 and has been badly repaired and altered over the course of the 20th century. It is of limited heritage value.

The remaining parts of the early house, the garden walls and open spaces of the walled garden do make a positive contribution to the history and character of the conservation area.

Singleton – Grade II listed building

This property is adjacent to the site, however, given the separation distance, topography and landscape features including tree screening from the application site to Singleton, there is considered to be a limited appreciable relationship or intervisibility.

The site is therefore considered to not impact on the setting of this listed building.

Meadfoot Lodge and associated wall and gate piers – Grade II listed building

This property is located to the northwest of the site, however, given the separation distance and intervening features, including that of Meadville, from the application site to Meadfoot Lodge and the listed walls and gate piers to the west of Meadfoot Lodge, there is considered to be a limited appreciable relationship or intervisibility.

The site is therefore considered to not impact on the setting of this listed building.

Palm Grove - Grade II listed building

This property is located on the opposite side of Meadfoot Sea Road and can be seen in context with the application site. The site therefore has the potential to impact on the setting, and therefore significance.

The building is a relatively well-preserved villa which was built between 1865-75. Although it has experienced some unsympathetic extensions and alterations during its conversion to apartments in the 20th Century, it does have clear aesthetic, evidential and historic value which contributes to its overall significance.

Given the context and the proximity of the application site to Palm Grove, the site is considered to make a small impact to the setting of Palm Grove and therefore makes a minor contribution to its significance as a designated heritage asset.

Non-Designated:

The site is identified as featuring ‘other key buildings of architectural importance which make a significant contribution to the townscape’ within the Lincombes Conservation Area map and are considered to constitute non-designated heritage assets due to their contribution to the Conservation Area.

Impact on Significance of Heritage Assets:

The following table identifies each major element of the proposals, the asset affected, the impact and identifies harm or enhancement:

Heritage Asset	Proposed Works	Overall Impact	Harm/Enhancement/Neutral
Singleton Gardens – NDHA	Demolition and replacement of	High	Enhancement

	modern extensions		
	Demolition and rebuilding of original parts of dwelling and associated boundary wall	High	Neutral
	Replacement fenestration	Moderate	Enhancement
	Demolition of greenhouse	Low	Neutral
	Demolition of ancillary outbuilding	Low	Enhancement
Lincombes Conservation Area	Demolition and replacement of modern extensions	Low	Enhancement
	Demolition and rebuilding of original parts of dwelling and associated boundary wall	Moderate	Neutral
	Replacement fenestration	Low	Enhancement
	Demolition of greenhouse	Low	Neutral
	Demolition of ancillary outbuilding	Negligible	Enhancement
Palm Grove (Grade II listed building)	Demolition and replacement of modern extensions	Negligible	Enhancement
	Demolition and rebuilding of original parts of dwelling and	Negligible	Neutral

	associated boundary wall		
	Replacement fenestration	Negligible	Enhancement
	Demolition of greenhouse	Negligible	Neutral
	Demolition of ancillary outbuilding	Negligible	Enhancement

As can be seen from the above table, it is considered that the proposed works would have a neutral or enhancing impact on the identified heritage assets and the local historic environment.

The loss of historic fabric in situ within a non-designated heritage asset is regrettable but in this particular case is justified through the supporting structural information provided and the sensitive rebuilding of the structure reusing existing materials where possible as outlined within the submitted application. This would, on balance, have a neutral impact and would result in the character and appearance of the conservation area to be conserved. The use of an appropriately specified and finished lime render to the external face of the boundary wall to replace the existing cement render is considered to be an enhancement.

Conclusions:

As a result of the above, there are no objections from a historic environment perspective.

Should you be minded to approve the application I would suggest the use of conditions relating to:

- Samples of proposed external materials, including a sample panel and details of mix for proposed render finish for the south elevation wall

DCC Ecology:

Having review the below information, I believe the ecology update statement to be sufficient. The works have already commenced to the previously surveyed building, and the scaffolding makes the site unsuitable for roosting bats. Please issue the applicant with the following informative:

Bats and their roosts (resting/breeding places) are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Nesting birds are protected by law. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest.

The ecological enhancements as previously secured for this site still need to be provided on the new dwelling – these are shown on the elevation drawings so please can these be conditioned.

This site is BNG exempt due to its scale.

Senior Tree Officer:

Response dated 26/08/2025:

The application proposes to rebuild the cottage which has been partially demolished, including various external works to include hard and soft landscaping.

An Arboricultural Method Statement (Tree Protection Measures) has been prepared and submitted by Aspect Tree Consultancy (Aspect) dated 7.7.25. This addresses the works to replace existing foundations with an arboricultural watching brief and monitoring programme during the works. This is broadly acceptable as a working method.

The removal of the existing concrete slab in the garden area requires a method statement for both its removal and the replacement surfacing installation. This must ensure that if any tree roots from T7 are encountered that these are protected adequately. The surfacing being replaced should also be specified with any subgrade materials levelled to avoid compaction of existing soils. Porous block paving would also be an advantage.

Tree protective fencing has not been specified in the application. Given that this is development within a garden which contains a number of protected trees (TPO & CA), if fencing is not required by virtue of how the site and development will be managed, this should be stated for the avoidance of doubt. Otherwise, a Tree Protection Plan will be required.

Recommendations

Secure the Arboricultural Method Statement (Tree Protection Measures) (Aspect) dated 7.7.25 by planning condition.

Secure an AMS for surface removal and replacement within the root protection area of T7.

Seek confirmation on whether tree protective fencing is required during the development, and or documentation to support the position. This may then be secured for implementation (if required) by a suitably worded planning condition.

Response dated 13/10/2025 following the submission of a tree protection plan and arboricultural method statement:

The updated tree protection plan (TPP) prepared by Aspect Tree Consultancy dated 22.9.25 is an improvement on the previously submitted TPP. The method statement does not make provision for the removal of the concrete slab or replacement surfacing

within the root protection area of T7. Ideally, this information would be provided as an addendum to the submitted method statement. I've noticed on the updated TPP a rainwater pipe location is provided. Please can they confirm if this is existing or a new installation (AMS required if so).

Response dated 14/10/2025 following the submission of an updated arboricultural method statement:

I'm happy with the updated approach as this still requires arboricultural supervision for the excavations. Replacement of the existing surfacing with slabs is broadly acceptable and the method for removing ties in with the specified supervision.

Senior Environmental Health Officer:

Response dated 23/07/2025:

The submitted demolition management plan is brief and contains little information on the suppression of dust.

Please could you include the following condition on any consent, which allows us to ensure that impacts during both the demolition and the construction phases are adequately controlled?

No demolition, development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to protect the amenity of the locality, especially for people living and/or working nearby. It shall include as a minimum provisions for:

- I. Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- II. A noise and vibration management plan.
- III. All plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP.
- IV. A detailed proactive and reactive dust management plan.
- V. No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.
- VI. No burning on site during construction or site preparation works.
- VII. The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- VIII. Arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

The Planning Officer has confirmed to the consultee that the partial demolition of the dwelling has already taken place. It was therefore questioned if a CEMP condition is required and if a construction management plan condition would be more appropriate.

Response dated 23/09/2025:

Following the email from the planning officer the consultee has confirmed their agreement to a construction management plan condition rather than a CEMP.

Drainage Engineer:

As this development is located in Flood Zone 1 and the developer is proposing to discharge their surface water drainage to a soakaway, please use the recently agreed standing advice for this planning application.

South West Water:

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. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. 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 method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Torquay Neighbourhood Plan Forum:

Planning Application P/2025/0423 is the latest in a succession of planning applications submitted by the developer seeking permission to redevelop the site. Previous applications for the construction of a block of flats on the site have been refused following careful consideration by the Planning Committee, but Planning Application P/2023/0994 for making extensions and alterations to an existing gardener's cottage was agreed.

The Access & Design Statement for Application P/2025/0423 states that "during consented demolition work, the applicant's builders reported that the remaining (south and part of the east) walls shown to be retained on former drawings were in a perilous state". Therefore, the building team "elected to partially remove the south and east

walls beyond that agreed in the planning consent. After discovering the unsafe elements of structure, it has always been the applicant's intent to rebuild these sections to match that which existed; whilst correcting the structural problems inherent in the former walls."

It was unfortunate that the perilous state of the structure had not previously been discovered during the preparation of architect's drawings and associated heritage and conservation reports. It was also unfortunate that discovery of the state of the structure only came to light over a four-day bank holiday weekend when it was impossible to contact council planning and building control officers to discuss and agree an appropriate way to proceed. However, since demolition machinery was on site, the unauthorised demolition went ahead anyway.

Subsequent to the unauthorised demolition, planning officers visited the site and issued a "Stop Notice". Some time later an "Enforcement Notice" was issued requiring the developer to reconstruct the building in its entirety as similar as possible to the building immediately prior to the demolition, as well as to reinstate the stone wall that was partially demolished at the same time.

We believe that this Application appears to be inaccurately presented as a standard proposal, when in fact it should be classified as a "part-retrospective" application. Substantial demolition works, including removal of the gardener's cottage and parts of the historic wall, have already taken place on site without authorisation. This conflicts with both the spirit and procedural requirements of national and local planning frameworks. We urge the Planning Authority to require the applicant to re-submit this as a retrospective or part-retrospective Application in order to allow for full scrutiny of what has been lost, and how it is to be remedied or reconstructed.

We would also like to remind the planning authority that this developer has separately submitted planning submissions P/2025/0362 & 0363 for the "Replacement and improvements of part collapsed boundary wall to include reinstatement of gate, addition of buttresses and reinstatement of land levels". This refers to the wall on Lincombe Drive which was demolished without prior permission some time ago and reconstructed in an unsatisfactory manner with an unauthorised vehicular entranceway. This further highlights the developer's lack of respect for the planning process.

On the face of it, P/2025/0423 is a straightforward Application for re-construction of the cottage. In view of the complicated history of planning applications associated with this site, and the widespread public interest in the future of this site, to ensure complete visibility, transparency and public confidence in the planning process, the Forum requests that this Application is not dealt with under delegated powers, but is subject to the detailed scrutiny of the Planning Committee.

As previously stated the Neighbourhood Forum remains adamant that this Application shall not in any way pre-determine consideration of any subsequent planning Appeal

or re-application for the construction of a block of flats on this site. This Application shall not be seen as the "starter phase" for the other development.

Finally, we have recently been advised that the developer has Appealed the Enforcement Notice for this site. In the interests of clarity and to avoid possible confusion, we believe that consideration of this matter should be deferred until the Planning Inspectorate has issued their findings. Otherwise, there is a risk of a conflict between the findings of the local planning authority and the Planning Inspector. It will be far more straightforward to let the Appeal process run its course first, and then for this matter to be considered in full knowledge of the Planning Inspector's Decision.

Planning Officer note – The application has been submitted as a partially retrospective application. This is confirmed within the application form which confirms that works have already started from the 24/04/2025.

Summary of Representations

At the time of writing approximately 34 letters of objection, 13 letters of support and 1 representation have been received. The following provides a summary of the main issues identified:

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

Objections include:

- Design and visual appearance
- Impact on heritage and non designated heritage asset
- Impact on Conservation Area
- Impact on listed buildings and setting
- Scale and massing
- Dominant structure
- Suburbanisation
- Contrary to national and local policy
- Demolition of building and wall
- Procedural appropriateness
- Enforcement notice and planning history
- Size of replacement dwelling compared to original
- Retrospective
- No demonstrable public benefits
- Premature application
- Materials
- Impact on neighbouring properties
- Impact on tourism
- Increase in footprint and facilities
- Heritage crime
- Overdevelopment
- Brownfield sites should be developed first
- Fails to preserve or enhance

- Meaningful consultation should be undertaken
- Burning of materials
- Impact on trees
- Description of development inaccurate

Comments in support include:

- Replaces unsightly extensions and structures
- Impact on Conservation Area
- Heritage impacts
- Design
- Health and safety
- Materials
- Energy efficiency
- Private garden – not community facility
- Wall in need of repair
- Planning history
- Structural report findings
- Replace with a structure that is safe and can house people
- Trees
- Provides housing
- Enhance area

Relevant Planning History

Planning applications:

P/2025/0365: Variation of Conditions relating to application P/2023/0994: Extensions & alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works. Conditions: P1 - Approved Plans, 03 - Tree Protection Measures. Variations sought: Alterations to demolition areas and amendments to wall positioning which may impact tree protection matters.

Refused to validate due to incorrect application type. Currently under appeal.

P/2023/0994: Extensions & alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works.

Approved 05/03/2024.

P/2021/0802: Formation of 9 apartments & 2 semi-detached dwellings with access, garages & parking. Demolition of existing outbuildings. Alterations & extensions to existing dwelling to include 2 storey extension to side.

Refused 18/03/2022.

P/2022/1186 Erection of 7 apartments, 2 attached dwellings and extensions/refurbishments to an existing dwelling; plus associated landscaping and access work.
Refused 31/08/2023.

Enforcement:

2025/0093/EN –
Temporary stop notice served on the 28th April 2025.

Enforcement notice served on the 23rd June 2025.

Reason for issuing notice:

The demolished building is identified as being a 'key building' within the Lincombes Conservation Area. The south and west elevation of the demolished building, with a narrow-hipped roof, chimney and exposed natural stone walling, was readily visible from a public perspective and made a demonstrable contribution to the historic environment within the immediate area.

The works to partially demolish the stone wall in the approximate location identified by a green line on the attached plan titled "Map 2" has resulted in the unjustified loss of historic fabric and has diluted the positive impact of the stone boundary wall to the historic character of the street and the wider conservation area.

The loss of the key building and part of the stone wall has therefore caused harm to the significance of the Lincombes Conservation Area as a heritage asset. This level of harm would be 'less than substantial'; with no evidential public benefits arising from this harm. The works would, therefore, be contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SS10 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in Paragraphs 215 and 216 of the National Planning Policy Framework.

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.

Can the current application be determined:

Commentators have raised concerns that the current application should not be determined given the ongoing enforcement action. Legal advice has been obtained on this matter. The advice confirms:

In effect, the steps within the enforcement notice required Mr Bishop to reinstate what was on the site prior to the previous application being approved. Thus, the plans submitted with the previous application, showing the building as it existed, provide a useful indication as to what "reinstatement" ought to look like. The temporary stop notice, served several weeks earlier than the enforcement notice, also required that the blocks, bricks and stone resulting from the demolition, be retained on the site, a

step designed to safeguard the LPA's position when considering the requirements of the later enforcement notice.

The LPA's position is that if the steps within the enforcement notice had required Mr Bishop to rebuild the dwelling using materials of his own choosing, that would have required planning consent and could have caused harm to the heritage asset as there would have been no control over the nature of the materials used.

Whilst the Principal Historic Environment Officer's consultation response might have some relevance to ground (f) of the appeal (ie that the steps required within the notice are excessive), his assessment of the impact of the proposal (using modern materials) on the heritage asset is discrete and has no bearing on the requirement within the enforcement notice to reinstate the unlawfully-demolished building, using the original materials.

In light of the above, I would advise that the planning application is determined as it is a valid one.

On the basis of this advice, it is the LPA's assessment that the determination of this application can and should proceed and this will not prejudice the ongoing enforcement appeal. It should be noted that if this application is approved, it would not result in any requirement for the works to be carried out.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of development
2. Design, Visual Appearance and the Character of the Area
3. Heritage
4. Amenity
5. Flood Risk and Drainage
6. Highways, Movement and Parking
7. Ecology
8. Trees

1. Principle of Development

The proposal is for the partial demolition of the existing dwelling, the demolition of greenhouse and outbuilding (retrospective) and the construction of a replacement dwelling with associated works.

In the context of development within the built-up area, there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

2. Design, Visual Appearance and the Character of the Area

Paragraph 131 of the National Planning Policy Framework (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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Prior to any of the recent works taking place, the application site included a modest, two storey, residential dwelling with large grounds including a dilapidated greenhouse and a disused outbuilding. The dwelling had uPVC openings and poor quality extensions. The grounds of the plot gradually raise up from south to north forming terraces separated by stone walls. The natural stone walls define the site due east, west and north, whilst the southern boundary, along Meadfoot Sea Road, featured a rendered wall. The existing dwelling occupied the south-western corner of the site. The building was built in the boundary walls and has an existing vehicular access at the south-east corner off Meadfoot Sea Road.

This part of Meadfoot Sea Road is characterised by the most significant buildings being 'Italianate' in their architectural language, with complex accretive massing, heavy articulated eaves detailing and multiple localised symmetries. The plot to building relationships and ratios are noteworthy with large villas set back from the main frontage and sitting within generous gardens, visible verdant landscape and orientated somewhat to gain sea views. The streetscene and locality benefits from mature trees, including an off-site tree (T7 London Plane) owned by Torbay Council.

The application follows on from approved application P/2023/0994 which permitted alterations and extensions to the existing dwelling 'Singleton Gardens' including the demolition of existing extensions and the formation of a two storey extension to the northern side elevation and a single storey extension to the eastern front elevation of the dwelling, including a new pitched roof to replace a section of existing flat roof. The proposal included a render finish, slate roofs and powder coated aluminium openings to the existing dwelling. The consent also allowed the demolition of the greenhouse and outbuilding with landscaping and associated works.

As noted within the site details section above, works to implement this consent took place within the required timescale however on the 18th April 2025 the Council was made aware of works to the site that exceeded those allowed via this consent. These

works included the partial demolition of the original dwellinghouse. Contrary to the planning permission, the unlawful partial demolition of the original dwelling has taken place rather than just the extensions and walls that were specifically authorised by the consent. The Council's position is, therefore, that, given that the planning permission did not, within its operative part, authorise the relevant demolition (i.e. the unlawful demolition of the majority of the original building and adjoining boundary to Meadfoot Sea Road), the planning permission has not survived and is no longer implementable.

The current application is therefore seeking to regularise the unauthorised partial demolition of the original dwellinghouse, including a boundary wall facing Meadfoot Sea Road, and seeks consent for the construction of a replacement dwelling. The application also seeks consent for the retrospective demolition of the greenhouse and the demolition of the outbuilding, which were previously approved, but no longer authorised given the previous consent authorising this is no longer implementable.

Objectors have raised concerns, including on matters such as the scale and massing, that the proposal would represent overdevelopment and suburbanisation, not be in keeping with the local area, set a precedent, would constitute inappropriate development with the increase in footprint and facilities and have raised concerns about the materials. The supporters have stated that the proposal would replace unsightly extensions and structures, enhance the area and is of good design.

The key differences between approved application P/2023/0994 and the current application is the partial demolition of the original dwelling and wall facing Meadfoot Sea Road and the rebuilding of the dwelling using modern materials and methods. The wall facing Meadfoot Sea Road will be rebuilt using reclaimed stone (where suitable). Planning conditions are suggested to ensure materials are carefully controlled and the proposal delivered in accordance with the approved plans. Externally the footprint of the replacement dwelling is the same as the works approved under the previous consent, as is the height of the building and roof form. Windows and doors are detailed in the same location. Internally the layout remains the same with the exception of the location of one of the first floor en-suite bathrooms along with other minor internal changes such as locations of internal doors.

The replacement dwelling detailed is considered to result in an acceptable size, scale and visual appearance. The two storey flat roof element present on the dwelling prior to demolition was considered to result in a poor visual appearance and the use of two pitched roofs on the proposed replacement dwelling is considered to appear visually coherent. The lower pitched roof will sit adjacent to Meadfoot Sea Road as the dwelling did prior to the demolition works, and a stepping up of height further into the plot is considered to be an acceptable design rationale. The dwelling in situ prior to the demolition works featured a single storey flat roof element on the eastern front elevation and in its place the replacement dwelling will feature a single storey pitched roof element. This appears subordinate to the main two storey elements of the building and the design as a whole is considered to result in an acceptable visual appearance.

The proposal also includes landscaping works which will include the removal of an existing low wall and area of concrete adjacent to the dwelling, which will be replaced by flagstone slabs and a larger area of lawn. This change is considered to be visually acceptable and will improve the existing appearance of the landscaping.

The development as a whole is not considered to be overly dominant or visually intrusive and the overall size, scale, massing and visual appearance is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the area. The development as a whole is considered to accord with Policy DE1 of the Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

3. Heritage

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) sets out the general duty as respects Conservation Areas, which requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of the 1990 Act sets out the general duty as respects listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site is situated within the Lincombes Conservation Area. Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed. The buildings listed as 'other key buildings of architectural importance which make a significant contribution to the townscape' within the Lincombes Conservation Area map are considered to constitute non designated heritage assets due to their contribution to the Conservation Area and these include, but are not limited to, Osbourne House, Delamere Court and Marstan Hotel. The application has been supported by a Design, Access and Heritage Significance Statement which analyses the site, the historic environment records, the heritage value and significance of the site and assesses and discusses the design response put forward, with reference to policy and heritage considerations.

Policy SS10 of the Local Plan states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's Conservation Areas.

Historic England were previously approached with a request to add the site to the Register of Parks and Gardens of Special Historic Interest in England. A decision was made on the 26th January 2023 not to list the site. Historic England in their consideration confirmed:

The walled garden at Singleton Gardens historically had some connection to one of the grand mid-C19 villas nearby, most probably the house known as Singleton. The walled gardens would have yielded vegetables and top-fruits for the owners, and the historic presence of glasshouses perhaps suggests a desire to impress through the cultivation of tropical crops. This connection is of some local interest, and the surviving boundary walls and open spaces expressed through their former use contribute to the appearance and interest of the Lincombes Conservation Area. However, the layout and features shown on mapping from the C19 to the post-war period have largely been lost. The garden structures in the south-west corner of the southern garden have been altered and converted to a modern house. The 'icehouse' has some architectural merit, but it has also been altered and alongside vagaries about its purpose, it cannot itself have any claims to special interest. Additionally, the separation in ownership in the post-war years has divorced the garden of any contextual connection to Singleton. Any natural or biodiverse interest which the gardens have is not relevant to this listing assessment. Therefore, judged against the criteria for listing the walled garden and its associated structures at Singleton Gardens, Torquay do not merit listing for the following principal reasons:

Lack of architectural interest:

- * most of the garden features and structures, which would have been standard in a small walled garden such as this, have been lost or altered;*
- * the 'icehouse' has some architectural merit, but alterations and uncertainty of use reduces any claims to special interest.*

Lack of historic interest:

- * any historic association and connection with Singleton has been lost;*
- * the contribution of the garden to this area of Torquay and its villa residences is of local rather than national interest.*

CONCLUSION The walled garden and its associated structures at Singleton Gardens, Torquay, dating to the mid-C19 with alterations and losses, do not meet the criteria for listing in a national context.

Following this decision, a further request was made to Historic England to reconsider listing the site. A decision was made on the 11th July 2023 not to list the site with the following comments made:

Singleton Gardens is understood to have been constructed between 1836 and 1861 and is therefore part of the initial period of villa development in Torquay. Other villas on the Palk estate with walled gardens, such as at the neighbouring Osborne Villa, and at Vomero (1838) in the Warberries area, are shown on the 1880 OS map but they were not of a comparable size. These and other smaller walled gardens have largely been lost to development pressures, so the survival of the boundary walls to

two of the three compartments of the walled garden for Singleton is a rarity for the area.

However, any significance of the walled garden as a surviving C19 walled garden needs to be carefully balanced against its surviving fabric and layout. The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric. The layout of the walled garden and its inter-relationship with its immediate surroundings has also largely been lost reducing the impact of the walled garden within its marine landscape and therefore any claims to interest for this. It does not survive as a particularly good or well preserved example of a walled garden.

Claims have been made for the significance of Torquay's mid-C19 planned suburban villa landscape as part of the national trend in the development of seaside resorts in the C18 and C19, and that the construction and survival of the walled garden at Singleton contributes to this significance. It is clear that the scale and quality of the villa developments in the Warberries and Lincombes areas of Torquay over a short period of time is notable, and this interest is reflected in those areas being designated as separate conservation areas, within which many of the C19 villas and their associated boundary walls and gate piers are listed. Smaller details such as street signs, granite kerbs, cobbled surfaces all contribute to the history and character of the conservation area, as do the boundary walls and open spaces of the walled garden at Singleton. Torquay's place within the contextual history of suburban coastal and urban villa developments of the time is undeniably of importance, but it is not considered that this was uniquely innovative, particularly at the level as is claimed. The recognition of this at conservation area level is regarded as being an appropriate designation.

Claims for historic association have also been made for the walled garden. The only known significant figure associated with Singleton and its walled garden is Reverend Canon Alan Campbell Don KCVO (1885-1963), who, with his brother was put in trust of Singleton in the early 1940s, selling the garden in 1945. At no point did the Dons live at Singleton and therefore no claims to special associative historic interest can be made. Wider claims have been made for the town with various notable visitors and personalities attached but none of these relate directly to Singleton or its walled garden.

In terms of the significance of the suburban villa landscape in Torquay, this interest is recognised by many of the villas being listed at Grade II, and the designation of conservation areas. The history of the walled garden associated with Singleton adds an important layer to the understanding of the area, although little specific documentation is currently known to survive. Whilst it is recognised that Singleton Gardens is an unusual survivor, any claims to rarity or uniqueness are rather unaccomplished. With this in mind, and considering the considerable losses to its

historic fabric, associated structures and layout, the walled garden known as Singleton Gardens is not considered to meet the criteria for Registration.

CONCLUSION

After examining all the records and other relevant information and having carefully considered the historic interest of the case, the criteria for the registration of the walled garden associated with the property known as Singleton Gardens, Torquay, Devon are not fulfilled.

REASONS FOR DESIGNATION DECISION

The walled garden associated with the property known as Singleton Gardens, Torquay, Devon is not recommended for inclusion on the Register of Historic Parks and Gardens for the following principal reasons:

Historic interest:

** the features of the walled garden are modest for this type of structure and gardens of the period and it does not survive as a notable example of a particularly important phase of garden development;*

** Singleton and its walled garden contribute to an understanding of the early-C19 development of Torquay and the walled garden is recognised as being an uncommon survivor, however this is not sufficient to raise the level of interest to that required for national designation.*

Degree of survival:

** the fabric of the walled garden has been significantly eroded by cumulative post-war changes and loss;*

** the loss of the pathway layout within the walled garden and removal of the access from Singleton has reduced the understanding of the patterns of movement around the garden.*

The Council has assessed if the site should be considered curtilage listed and has considered the detailed representations previously received, including the comments made by Historic England.

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object or structure within the curtilage of a listed building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building. The object or structure is considered to be part of the listed building and is listed (these structures are often called "curtilage listed"). This only applies to objects or structures ancillary and subordinate to the listed building itself (*Debenhams plc v Westminster City Council* (1987) AC 396).

In the case of *Methuen-Campbell v Walters* [1979] QB 525 the court held that property will be within the curtilage of another property if it is so intimately associated as to form

part and parcel of it and this will depend on the circumstances of every case. The curtilage may be confined to a small area around the principal property but not necessarily so and again this will depend on all the circumstances, including the nature and location of the properties.

In *Attorney-General, ex rel Sutcliffe, Rouse and Hughes v Calderdale Borough Council* [1983] JPL 310, the Court of Appeal concluded that the following factors should be taken into account in determining whether or not a structure or object was within the curtilage of the principal listed building:

- The physical layout of the listed building and the structure or object.
- The ownership of the listed building and the structure or object, both past and present.
- The use or function of the listed building and the structure or object, both past and present.

In *Hampshire CC v Blackbushe Airport Limited* [2021] EWCA Civ 398, the court held that the land must be so intimately connected with the building as to lead to the conclusion that the former is in truth part and parcel of the latter.

The question is whether the structures within the application site were within the curtilage of any listed building when that building was listed.

Singleton was Listed Grade II on 10 January 1975. The listing states that it preserves its C19 garden plot. Meadfoot Lodge was listed Grade II on 2 May 1974. The listing entry states that the building was already in use as holiday flats.

Singleton Gardens consists of 2 parcels of land, forming a series of 4 smaller walled areas set between a number of historic villas, north of Meadfoot Sea Road. On the basis of the evidence we have, our conclusions on the curtilage listing of the site are as follows:

Meadfoot Lodge:

Singleton Gardens does not appear to be within the curtilage of Meadfoot Lodge. Meadfoot Lodge is recorded as being in use as flats when it was listed. There is no known connection between Singleton Gardens and Meadfoot Lodge on the basis of ownership, physical layout or use/function. As noted below it appears that Singleton Gardens was sold off from Singleton in 1945.

Singleton:

- Physical layout: Reviewing the available historic documents, the title plan to Singleton indicates that it has laid out gardens and appears unconnected with Singleton Gardens. It is also separated by a belt of mature trees indicating the length of time this separation has been in place. There is a linear common boundary running

from Lincombe Drive to Meadfoot Sea Road which would also appear to show separation. The issue is whether the layout means Singleton Gardens is so intimately associated as to form part and parcel of Singleton. Reviewing the layout of both sites (whether or not used together or in common ownership) it appears that the layout does not demonstrate intimate association. The listing of Singleton refers to the retention of its garden plot. It does not refer to any walled garden greenhouses or market garden. Whilst not conclusive this strongly indicates that Singleton Gardens was not considered to be part of the listing of Singleton.

- Ownership: The title to Singleton contains the following entry: The land has the benefit of the following rights reserved by a Conveyance of Singleton Gardens adjoining the south-east corner of the land in this title dated 14 September 1945. The title to Singleton Gardens contains a corresponding entry that the land is subject to the provisions of the 1945 conveyance. This shows that Singleton Gardens was sold off in 1945 prior to Singleton being listed.

- Use or function. Historic mapping appears to show some smaller structures, likely glasshouses/greenhouses, within the sites although the number of these appears to have fluctuated over time, with many being removed or demolished as the site has evolved. The use of site as a whole following its sale in 1945, appears to have been walled gardens completely separate to Singleton.

Only ancillary structures would be curtilage listed. As mentioned above the use as a walled garden appears to be independent of any listed building. In addition, Singleton Gardens itself is an independent dwelling. If the use commenced prior to the listing of Singleton then it would not be curtilage listed in any event.

On the basis of the evidence we have, we consider that the structures in Singleton Gardens are not curtilage listed.

The outbuildings proposed for demolition, include a single storey outbuilding with a shallow pitched roof with modern windows and openings and a greenhouse which has now been demolished. The heritage assessment of application P/2022/1186 stated that the greenhouse dates to the period between 1933 and 1953. The timbers do not suggest anything like the kind of quality that one might expect of Victorian glasshouses and its orientation and juxtaposition with the cottage suggest a more modern use. It is of limited heritage value and has been badly repaired and altered over the course of the 20th century. Within the wider grounds, a number of brick and stone outbuildings appear to be late 19th- early 20th century in date, extended and altered with modern roofs and in various states of dilapidation. Historic England in their consideration of the listing note that 'The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric.

Objectors have raised concerns, including on matters of the impact of the proposal on the Conservation Area, listed buildings and designated and non designated heritage assets.

The Design, Access and Heritage Significance Statement states:

Approval was granted in 2024 for broadly the same scheme now intended. However, during consented demolition work to remove the outbuildings, greenhouse, roof, rear 20th century sections, etc, the applicant's builders realised the remaining (south and part of the east) walls shown to be retained on former drawings were in a perilous state. They were out of plumb, with degraded or entirely missing wall cores, and in places were made from beach pebbles with inadequate bonding between the stones (please refer to the report by Redstone Jones, Chartered Structural Engineers). As roof members and floors were taken down (as consented for removal in 2024) it became clear that the structure was not safe and, following calls to the project engineer, the building team elected to partially remove the south and east walls beyond that agreed in the planning consent for reasons of safety for operatives and those on the public road and footpath. After discovering the unsafe elements of structure, it has always been the applicant's intent to rebuild these sections to match that which existed; whilst correcting the structural problems inherent in the former walls.

The statement goes on to describe the design response:

4.1) Size and scale

The proposal removes and replaces ad hoc extensions and buildings due north of the early property with extruded extensions that are set away from the major road-front boundary. The result is a net reduction in the visibility of 20th century elements added to the early building. The extensions suggested create improved living and bedroom accommodation with three large double bedrooms, a utility space, a ground floor accessible toilet, and an improved stair to the altered first floor. This increase in accommodation is modest when one considers that the ancillary accommodation due north may be used as an additional guest bedroom without planning control. Removing this poor quality building and the concrete surfacing that surrounds it (fig. 4) will help to rationalise the appearance of the dwelling house from within the site, and will have limited effect on the appearance of the building from within the public domain.

4.2) Morphology

The forms and styles used replace modern flat roofed extensions with narrow format pitched, hipped roofs as an extrusion of the early structure. The forms are hence respectful to the character of the early building in the land (see fig. 2 and 3).

4.3) Street scene and frontage

The extensions to the early focus of the building are deliberately sited away from the road elevation to reduce impact on the street scene. The ground floor lean-to will be invisible from the road, mirroring the current flat-roofed single storey room it will replace (see fig. 5).

4.4) Appearance and materials

The scheme takes the opportunity to remove the modern asymmetric windows and replace these with portrait format casement windows. These will calm the busy appearance of the current 20th century glazing. The removal of the poor quality felt flat roofs will similarly improve the elevations and the longevity and repair of the building more generally. Replacement materials such as render and natural slate roofs remain in keeping with those materials present in the host property. The loss of stone fabric to the south and east walls (demolished) was a concern but the applicant has agreed to reuse material from the site so far as reasonably possible with structural considerations in order to preserve the character of the Conservation Area. The outward appearance of the early sections will not change.

A structural report has been submitted in support of the application. This states and concludes:

Partial demolition of some walls of the cottage was attempted on Friday 18th April 2025 in accordance with planning permission P/2023/0994. Due to the poor construction of the cottage that caused significant instability of the superstructure during the works, most of the walls of the cottage were demolished upon health and safety grounds.

The Engineer was called to site on Friday 18th April to give an opinion on the stability of the remaining walls. Advice was given to remove loose masonry from the top of the party wall with Meadville, and to reduce the height of the boundary wall against Meadfoot Sea Road since it presented a real danger to users of the highway. Advice was also given to infill some of the voids in the walls to the boundary and party walls.

We do not consider that the boundary wall adjacent to Meadfoot Sea Road is suitable or stable upon which to rebuild the cottage walls. A section of the wall should be taken down as shown in photograph 18, and rebuilt on a suitable foundation in similar materials to the existing wall (without the cobblestones), forming a rendered appearance to match the existing, but using stone-faced blockwork to create a stable wall construction. The remaining section of boundary wall adjacent to the party wall should have the voids in the wall filled with a suitable grout and then tied to the new structure. The party wall appeared stable and can be incorporated safely into the reconstruction.

The Council's Principal Historic Environment Officer notes within their consultation response that Singleton – Grade II listed building is adjacent to the site, however, given the separation distance, topography and landscape features including tree screening from the application site to Singleton, there is considered to be a limited appreciable relationship or intervisibility. The site is therefore considered to not impact on the setting of this listed building. Meadfoot Lodge and associated wall and gate piers – Grade II listed building, is located to the northwest of the site, however, given the separation distance and intervening features, including that of Meadville, from the application site to Meadfoot Lodge and the listed walls and gate piers to the west of Meadfoot Lodge, there is considered to be a limited appreciable relationship or intervisibility. The site is therefore considered to not impact on the setting of this listed building. Palm Grove - Grade II listed building, is located on the opposite side of Meadfoot Sea Road and can be seen in context with the application site. The site therefore has the potential to impact on the setting, and therefore significance. The building is a relatively well-preserved villa which was built between 1865-75. Although it has experienced some unsympathetic extensions and alterations during its conversion to apartments in the 20th Century, it does have clear aesthetic, evidential and historic value which contributes to its overall significance. Given the context and the proximity of the application site to Palm Grove, the site is considered to make a small impact to the setting of Palm Grove and therefore makes a minor contribution to its significance as a designated heritage asset. In terms of impact on Non-Designated heritage assets, the site is identified as featuring 'other key buildings of architectural importance which make a significant contribution to the townscape' within the Lincombes Conservation Area map and are considered to constitute non-designated heritage assets due to their contribution to the Conservation Area.

It was considered within the committee report of P/2023/0994 that the outbuildings within the site, including the greenhouse, which is believed to date to the period between 1933 and 1953 and has been badly repaired and altered over the course of the 20th century, is of limited heritage value. It was considered that the demolition of the greenhouse will have a neutral impact on the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and the Grade II listed Palm Grove and this is still considered to be the case. The demolition of the ancillary outbuilding was considered to result in an enhancement to the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and Palm Grove and this is still considered to be the case.

The Council's Principal Historic Environment Officer considers the proposal as a whole will result in a mixture of a neutral impact and an enhancement to the non designated heritage asset of Singleton Gardens, and the heritage assets of the Lincombes Conservation Area and Palm Grove. Overall, it is considered that the proposed works would have a neutral or enhancing impact on the identified heritage assets and the local historic environment. The loss of historic fabric in situ within a non-designated heritage asset is regrettable but in this particular case is justified through the supporting structural information provided and the sensitive rebuilding of the structure reusing existing materials where possible as outlined within the submitted application.

This would, on balance, have a neutral impact and would result in the character and appearance of the Conservation Area being conserved. The use of an appropriately specified and finished lime render to the external face of the boundary wall to replace the existing cement render is considered to be an enhancement. As a result there is no objection from a historic environment perspective. The officer does recommend a planning condition requiring samples of proposed external materials, including a sample panel and details of mix for proposed render finish for the south elevation wall to ensure a good quality finish.

The use of aluminium window frames is considered to be an improvement on the uPVC windows which were previously in situ in this particular case, and the development will not be dominant and visually intrusive and is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the Conservation Area. The submitted joinery details of the fenestration are considered to be acceptable. The slate and paving slabs detailed within the materials samples sheet are acceptable. A compliance condition is recommended to ensure the use of the joinery, fenestration, slate and paving slabs detailed.

The proposal will partially demolish the existing dwelling, an ancillary outbuilding and greenhouse. Given the siting and footprint of the replacement dwelling, the open aspect of the existing gardens is considered to be retained, conserving their character and quality, in addition to the contribution they make to the Conservation Area.

Overall, with the addition of the recommended conditions, the proposal is considered to result in a mixture of a neutral impact and an enhancement to the designated and non designated heritage assets and will retain the character and quality of the existing garden which provides an open aspect within the Conservation Area. The proposal therefore accords with Policy SS10 of the Local Plan and the NPPF.

4. Amenity

Policy DE3 Development Amenity of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

Quality of living accommodation for future occupiers:

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Internal floor standards are set out from the DCLG technical housing standards document and echoed in Table 23 of the Torbay Local Plan 2012-2030. This states that a three bedroom 6 person dwelling set over two floors should have a minimum internal floor area of 102m².

Policy THW4 of the Neighbourhood Plan states that all new houses shall have not less than 20 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the

equivalent allocated communal growing space within an easy walk. The Neighbourhood Plan provides the primary guidance on outdoor amenity space where there is divergence with policy guidance within the Local Plan.

The replacement dwelling exceeds the recommended minimum internal floor area and therefore complies with the Government's Nationally Described Space Standards. The replacement dwelling is considered to provide an adequate and suitable environment for future occupiers in terms of outlook and natural light levels. The replacement dwelling will feature an external amenity area which exceed 20m² in line with the Neighbourhood Plan policy requirement.

Adjacent neighbouring amenity:

Objectors have raised concerns including on the impact on neighbouring properties.

Prior to the partial demolition, the dwelling at Singleton Gardens had a width from south to north of approximately 15m. The adjacent garages at Meadville have a width of approximately 15.2m. The replacement dwelling will have a width of approximately 16.3m. The garages will still extend around 1.35m further to the north than the replacement dwelling. The height of the highest part of Singleton Gardens prior to partial demolition (the two storey flat roof element) was approximately 6.1m. The ridge of the highest roof of the replacement dwelling will feature an approximate height of 6.3m.

The replacement dwelling will extend the dwelling along the shared west boundary with Meadville and the ridge height will be higher than the adjacent wall and garages. Given the replacement dwelling will sit adjacent to the existing block of garages with hardstanding parking area to the west of the garages, combined with the separation distance to the nearest habitable room within Meadville, the replacement dwelling is not considered to result in a loss of amenity to the occupiers of the flats and the associated grounds and this was found to be the case in approved application P/2023/0994.

Given the separation distance from the replacement dwelling and associated works to all other surrounding properties, the proposal is not considered to result in a negative impact on neighbouring amenity.

A construction/demolition management plan condition for any further works is recommended to ensure an acceptable impact on neighbouring properties during the construction phase.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

5. Flood Risk and Drainage

Policy ER1 Flood Risk of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. The flood risk assessment states that surface water drainage will be dealt with by infiltration using a soakaway or other sustainable drainage system.

The Council's Drainage Engineer has confirmed that as this development is located in Flood Zone 1 and the developer is proposing to discharge their surface water drainage to a soakaway, the agreed standing advice should be applied.

As per the drainage standing advice, as the developer has identified on the flood risk assessment that surface water drainage will discharge via a sustainable drainage system such as soakaways, there are no objections on drainage grounds to planning permission being granted providing the infiltration testing and soakaway design are carried out in accordance with BRE365 and the design is undertaken for 1 in 100 year storm event plus 50% for climate change. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. A planning condition is recommended to secure this.

With the addition of this condition the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

6. Highways, Movement and Parking

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA1 of the Local Plan states that the Council seeks to improve road safety, quality of life and equality of access for all, minimising conflict between road users and prioritising the transport hierarchy. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy TH9 of the Torquay Neighbourhood Plan states that all housing developments must meet the guideline parking requirements contained in the Local Plan, unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

Appendix F of the Torbay Local Plan states that 2 car parking spaces should be provided for a dwelling. Appendix F states that parking spaces should be 4.8 metres by 2.4 metres except for when they abut the public footpath and/or public highway and then the spaces should be 5.5 metres by 3.2 metres to prevent vehicles from

overhanging and causing an obstruction to the public footway and potentially the public highway.

The proposal will retain the existing access and parking provision which will provide in excess of two full parking spaces in accordance with the requirements of Policies TA3 and TH9 and the highways standing advice. Given the parking area is as existing, the access and visibility is considered to be acceptable and will not result in a detriment to the existing circumstances.

Appendix F requires one EV charging point to be provided per dwelling. Appendix F also requires space for two cycles per house. No details of such a provision have been identified but there is space within the site to adequately provide this and as such planning conditions are recommended to secured suitable cycle storage and an EV charging point.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. While no details have been provided there is sufficient space within the curtilage for waste and recycling storage.

The proposed development is considered to comply with Policies TA1, TA2, TA3 and W1 of the Local Plan and TH9 of the Neighbourhood Plan.

7. Ecology

The application has been accompanied by an ecology update statement dated 27th June 2025 alongside the previously submitted preliminary ecological appraisal update and a bat emergence/activity survey.

The preliminary ecological appraisal update and bat emergence/activity survey confirm that a single Common pipistrelle was observed foraging intermittently within the curtilage for the entire bat emergence survey. Foraging and commuting bats may be negatively impacted by this development although it was previously noted by the DCC Ecologist that the species recorded utilising the site are common, light tolerant species. A preliminary roost assessment of buildings was undertaken in April 2021 with an external inspection of all buildings on site. The assessment identified two buildings onsite; an existing two storey property and a stone built outbuilding which has a pitched slate roof covering in part as well as a flat roof. Both buildings were deemed by the consultant ecologist to offer 'low-medium' bat roost potential due to the presence of gaps and potential roosting features. A single bat emergence survey was recommended for each building to ascertain bat presence/likely absence and this survey was undertaken on 10th May 2021. A follow up bat survey was undertaken in May 2023 to update the 2021 survey results. No bats were observed emerging from either building during either survey. It is noted that the Bat Conservation Trust Bat Survey Guidelines are indeed guidelines, and it is left to experience of the bat ecologist

as to the amount of survey effort required to determine the presence/likely absence of bats (as per Section 1.1.3 of the guidelines). The DCC Ecologist previously confirmed they were satisfied that the consultant ecologist has provided sufficient ecological rationale for the deviation away from published guidance in this instance. It is also noted that the site temperatures during the survey (as detailed in Page 6 of the submitted ecology report) were 13C at the time of survey, which is deemed suitable and in line with guidance.

The new ecology update statement confirms that as conditions had not changed between 2021, 2023 and the commencement of survey work by Lakeway Ecology in 2025 (other than the erection of scaffolding), the recommendations for enhancement provided in Green Lane's 2023 report are still valid. There is a small population of slow worms at Singleton Gardens (Lakeway, 2025), with animals seen at the north-western corner of the site. Whilst the rubble from the dwelling does provide some shelter for reptiles, the presence of reptiles in this area is unlikely as rubble was largely sited on hardstanding and no reptiles were found to the south of the main dividing wall running roughly east/ west through the middle of the walled garden. The statement concludes that the recommendations set out in Green Lane (2021 and 2023) are still relevant to the site despite the building no longer being present. The risk of harm to protected species was previously assessed and no evidence of roosting bats or nesting birds was found. Lakeway Ecology's assessment is in line with Green Lane Ecology's findings. As the current application relates solely to a replacement dwelling, it will take no natural habitat and is therefore exempt from Statutory Biodiversity Net Gain. There are no additional ecological implications over those stated in Green Lane's ecology reports relating to the dwelling at Singleton Gardens and previous recommendations are still valid.

The DCC Ecologist has considered the proposal and has confirmed that having reviewed the information, they believe the ecology update statement to be sufficient. The works have already commenced to the previously surveyed building, and the scaffolding makes the site unsuitable for roosting bats. They recommend that an informative is added to any consent relating to bats and their roosts. The ecological enhancements are as previously secured for this site and still need to be provided on the replacement dwelling. These are shown on the elevation plans and are recommended to be secured by planning condition.

A plan detailing external lighting has been provided and details the same lighting already agreed via the previous consent. A condition requiring adherence to the detailed external lighting is therefore recommended.

A condition is also recommended which requires any further vegetation clearance and demolition work to take place outside of bird nesting season unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds.

In England Biodiversity Net Gain (BNG) for minor applications has been mandatory from 2nd April 2024 under the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). This means that, subject to certain exemptions, development must deliver a 10% gain in biodiversity. The application is supported by a BNG exemption statement. This states that the proposal meets the criteria for the de minimis exemption because the land affected as part of the proposal contains less than 25m² of non-priority habitat and less than 5m of linear habitat. There are no priority habitats on the site.

The applicant has undertaken works to the application site including the partial demolition of the dwelling. The application is therefore part-retrospective. BNG does not apply to retrospective applications and the proposal would fall within the de minimis exemption. The proposal is therefore not BNG liable.

With the addition of the recommended conditions the proposal is considered to comply with Policy NC1 of the Torbay Local Plan.

8. Trees

Policy C4 of the Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

The site is protected by 1973.01 Area TPO and lies within the Lincombes Conservation Area. Both the TPO and Conservation Area provide statutory protection to the trees impacted by the development.

Objectors have raised concerns relating to the impact of the proposal on trees.

The Council's Senior Tree Officer has confirmed that an Arboricultural Method Statement (Tree Protection Measures) has been prepared and submitted by Aspect Tree Consultancy (Aspect) dated 7.7.25. This addresses the works to replace existing foundations with an arboricultural watching brief and monitoring programme during the works. This is broadly acceptable as a working method. The removal of the existing concrete slab in the garden area requires a method statement for both its removal and the replacement surfacing installation. This must ensure that if any tree roots from T7 are encountered that these are protected adequately. The surfacing being replaced should also be specified with any subgrade materials levelled to avoid compaction of existing soils. Porous block paving would also be an advantage. Tree protective fencing has not been specified in the application. Given that this is development within a garden which contains a number of protected trees (TPO & CA), if fencing is not required by virtue of how the site and development will be managed, this should

be stated for the avoidance of doubt. Otherwise, a Tree Protection Plan will be required.

The Officer recommended that the Arboricultural Method Statement (Tree Protection Measures) (Aspect) dated 7.7.25 is secured by a planning condition. An Arboricultural Method Statement should be secured for surface removal and replacement within the root protection area of T7 and it should be confirmed whether tree protective fencing is required during the development.

The applicant has subsequently provided a tree protection plan and arboricultural method statement which the Tree Officer has confirmed is acceptable. The updated arboricultural method statement and adherence to the tree protection plan is recommended to be secured by condition.

With the addition of the recommended condition the proposal is considered to accord with Policy C4 of the Local Plan.

Sustainability

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

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. The development would see the re-development of an existing dwelling to provide a larger dwelling.

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

The Social Role

The principle social benefit of the proposed development would be the provision of a replacement dwelling which provides a good quality form of accommodation.

The use of the site for a replacement dwelling would provide an appropriate use and the site is within a sustainable location. On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered especially relevant to the proposed development are impacts on the built environment, heritage, making effective use of the land, ecology, arboriculture, flood risk and drainage. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures. The proposal as a whole is considered to result in a mixture of a neutral impact and an enhancement to designated and non designated heritage assets. The proposal will include bicycle storage and an EV charging point and sustainable drainage which will be required by condition.

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

Sustainability Conclusion

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

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.

Local Finance Considerations

Affordable Housing:

Not applicable.

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

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:

Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is concluded that the proposal in terms of addressing the Development Plan would result in a mixture of a neutral impact and an enhancement to the designated and non designated heritage assets, would be in keeping with the existing streetscene and would not have an adverse impact on the surrounding area in terms of its size, scale, design and impact on neighbouring amenity. Matters of highways, trees, ecology and drainage are adequately addressed. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Conclusions and Reasons for Decision

The proposal is acceptable in principle and would result in a mixture of a neutral impact and an enhancement to the character of the area and designated and non designated heritage assets. Matters relating to highways, amenity, ecology, trees and drainage are acceptable. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

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.

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 Planning, Housing and Climate Emergency and in consultation with the chairperson.

Conditions

1. Construction/Demolition Management Plan

No further development, including demolition, shall take place until a Construction/Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include, but not be limited to:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding, where appropriate
- (e) wheel and/or highway washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) measures to minimise noise nuisance to neighbours from plant and machinery.
- (h) construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Construction/Demolition Management Plan shall be adhered to throughout the construction period.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users in accordance with Policy DE3 of the Torbay Local Plan. These details are required prior to any further works to secure suitable parameters for the construction phase.

2. External materials - house

Prior to the construction of the external walls of the dwelling, sample panel(s) of all new facing walls shall be provided on site detailing the mix for the proposed render finish.

Approval of the materials and methods shall be confirmed in writing by the Local Planning Authority prior to their final construction and development shall then take place in accordance with the approved details. 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 the character and appearance of the Conservation Area and the setting of listed buildings in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

3. External materials – wall

Prior to the construction of the southern boundary wall facing Meadfoot Sea Road, sample panel(s) of the new facing wall shall be provided on site detailing the mix for

the proposed render finish. The wall shall be constructed using reclaimed stone where suitable.

Approval of the materials and methods shall be confirmed in writing by the Local Planning Authority prior to their final construction and development shall then take place in accordance with the approved details. 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 the character and appearance of the Conservation Area and the setting of listed buildings in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

4. Materials – roof and paving

The roof and paving material shall be carried out in accordance with the details contained within approved plan '818-EM1 Rev A' and shall be retained as such thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

5. EV Charging Point

Prior to the occupation of the replacement dwelling hereby approved, a scheme for the insertion of one electrical vehicle charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The approved electrical vehicle charging point shall be thereafter available for use, maintained and retained for the lifetime of the development for the associated dwelling.

Reason: To ensure the parking provision of the new residential unit is in accordance with the requirements of Policy TA3 of the Torbay Local Plan.

6. Cycle Storage

Prior to the first occupation of the replacement dwelling hereby permitted, provision shall be made for the storage of bicycles according to details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: To ensure adequate bicycle storage facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and in the interests of sustainability.

7. Arboricultural Method Statement and Tree Protection

The development shall not be carried out otherwise than in strict accordance with the hereby approved 'Arboricultural Method Statement (Tree Protection Measures) reference P20250423-10 (Tree Protection)' dated 13/10/25 and 'Tree Protection Plan 05942 TPP (Tree protection)'.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policies NC1 and C4 of the Adopted Torbay Local Plan 2012-2030.

8. External Lighting

No external lighting, other than that detailed in accordance with approved plan 818-L1 A (lighting inc. spec)' shall be installed on the site.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

9. Drainage

Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations.

The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan.

10. Joinery and Fenestration

The development hereby permitted shall be implemented in accordance with the details of windows, doors and joinery detailed on approved plans '818-25 B (windows & eaves)'; '818-26 A (door details)' and '818-27 (wall details)'.

The windows, doors and joinery shall be retained in that condition thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

11. Bird nesting season

No vegetation clearance or further demolition works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

12. Ecology report

Prior to the first occupation of the replacement dwelling hereby approved, in accordance with approved plan '818.19D', one bat box on the eastern elevation of the dwelling and one bird box on the northern elevation of the dwelling shall be installed. Once installed the bat and bird boxes shall be retained thereafter.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

Informative(s)

1. 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.
2. Bats and their roosts (resting/breeding places) are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Nesting birds are protected by law. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest.
3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

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

Relevant Policies

DE1 – Design
DE3 – Development Amenity
ER1 – Flood Risk
ER2 – Water Management
NC1 – Biodiversity and Geodiversity
TA1 – Transport and Accessibility
TA2 – Development Access
TA3 – Parking Requirements
W1 – Waste Hierarchy
SS14 – Low Carbon Development and Adaptation to Climate Change
ES1 – Energy
C4 – Trees, Hedgerows and Natural Landscape Features
SS10 – Conservation and the Historic Environment
HE1 – Listed Buildings
TH8 – Established Architecture
THW4 – Outside Space Provision
TH9 – Parking Facilities