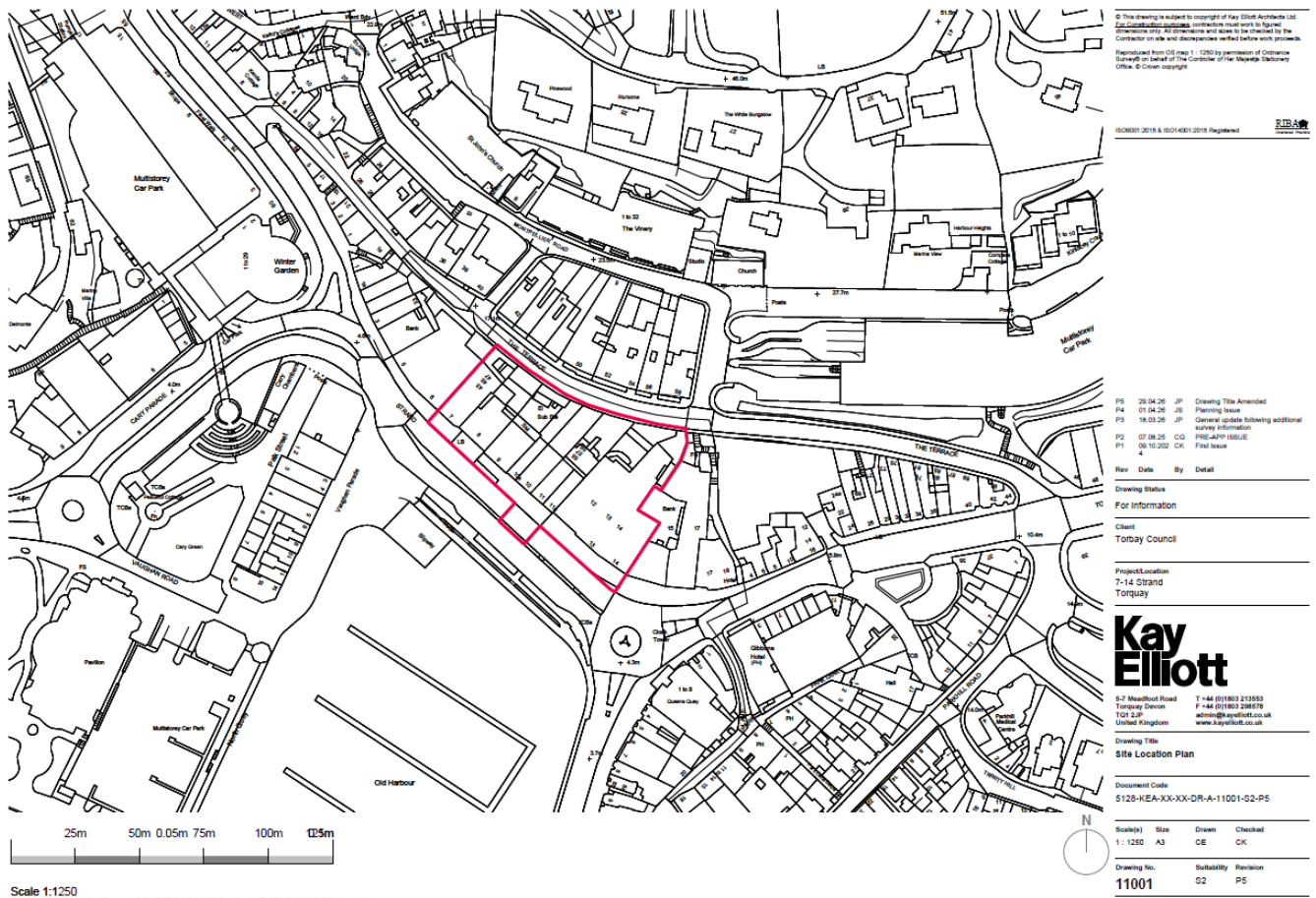


Application Site Address	7, 7A, 8, 9, 10, 10A, 11, 11A, 12, 13 And 14 The Strand, Torquay and 43, 45, 47 And 55, 57, 59 The Terrace, Torquay
Proposal	Redevelopment including demolition of site and partial demolition and alterations to No.8 The Strand to form a hotel (Use Class C1) comprising a building of up to six storeys with rooftop bar / restaurant, ground floor commercial spaces (Use Class E(a) and (b)) along with public realm, highways works, infrastructure, landscaping and associated works.
Application Number	P/2026/0238
Applicant	Torbay Council and Willmott Dixon Construction Ltd
Agent	Turley
Date Application Valid	12.06.2026
Decision Due date	11.09.2026
Extension of Time Date	30.09.2026
Recommendation	Approval subject to: 1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Place Strategy. 2. Completion of a Section 106 agreement. 3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Major Development and part of the land is owned, controlled or occupied by the Council.
Planning Case Officer	Emily Elliott and Verity Clark

Location Plan



Site Details

The site, 7, 7A, 8, 9, 10, 10A, 11, 11A, 12, 13 And 14 The Strand, Torquay and 43, 45, 47 And 55, 57, 59 The Terrace, Torquay, comprises of several commercial units, the majority of which are now vacant situated within Torquay Town Centre along Torquay Harbourside. The site is situated in between Hoopers Department Store (Nos.5-6 The Strand) and Yates (Nos.15-16 The Strand). The units within the site include the following:

- No.7 The Strand – Formerly Maggie & Co, a boutique clothing store, which has been vacant for a few years.
- No.8 The Strand – Formerly the Royal Bank of Scotland, which is a Grade II listed building and has been vacant since 2018/2019.
- No.9 The Strand – Currently occupied by Taco Bell.
- No.10-10A, 11-11A, 12-14 The Strand – Formerly Debenhams, a department store, which has been vacant for a few years. A small bridal boutique was included within the frontage known as Jane's which has recently relocated to another unit in Torquay Town Centre.
- Nos.55, 57 and 59 The Terrace – A building block containing 3no. residential apartments set back behind No.11-11A The Strand.

The adopted highway network lies to the north (The Terrace) and south (The Strand) of the site. Torquay Harbourside has recently undergone extensive public realm works which removed the bus stops and taxi ranks immediately in front of the site. There is a 15 metre level difference within the site boundary between The Strand and The Terrace. The buildings situated on The Terrace are a mix of residential and commercial premises. Torbay Council

have acquired the majority of the site (Nos. 7, 10/10A, 11, 12-14 The Strand) and are in discussions with the other owners regarding the remaining units.

The site is located within several designations:

- Torquay Town Centre (Policy TC1 of the Local Plan).
- Torquay Primary Shopping Area (Policy TC2 of the Local Plan).
- Torquay Town Centre Community Investment Area (Policy SS11 of the Local Plan).
- Torquay Strategic Delivery Area (Policy SS1 of the Local Plan).
- Harbourside, Waterfront and Belgrave Road Core Tourism Investment Area (Policy TO1 of the Local Plan).
- Torquay Harbour Conservation Area (Policy SS10 of the Local Plan).
- Includes Grade II Royal Bank of Scotland (List Entry Number – 1218852).
- Adjacent to several Grade II listed buildings (Maples – 1291740, Clock Tower – 1206854, Higher Terrace and Attached Front Railings – 1280014 etc).
- The frontage of the site is at high risk from surface water flooding.
- The majority of the site is within Flood Zone 1, with a section of the site frontage being within Flood Zone 3. The site is also within a Critical Drainage Area.
- Part of the front of the site is located within a Coastal Change Management Area (Policy C3 of the Local Plan).

Description of Development

This is a full planning application for the demolition of Nos. 9, 10, 10A, 11, 11A, 12, 13 and No.14 The Strand, Torquay and Nos.43, 45, 47 And 55, 57, 59 The Terrace, Torquay, and the partial demolition and external alterations to Nos. 7, 7A and 8 The Strand, Torquay to construct a 144-bedroom hotel (use class C1) with commercial spaces to the ground floor and a 'stepped street' between The Strand and The Terrace. The proposed development also includes associated development infrastructure, public realm, landscaping and works.

There is an associated listed building consent application (ref: P/2026/0239) for alterations to No.8 The Strand, Torquay including partial demolition of external structures and the roof, internal walls and features including associated works to adjoining structures.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan"); and
- The Adopted Torquay Neighbourhood Plan 2012-2030 ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);

- Published Standing Advice;
- Heritage setting, within a Conservation Area (Torquay Harbour);
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72; and
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

The application has been assessed against the Development Plan and the National Planning Policy Framework (August 2026). The NPPF introduces a revised structure based upon national decision-making policies and a permanent presumption in favour of sustainable development. The proposal has therefore been assessed against the relevant national decision-making policies and local plan policies, with appropriate weight given to each in reaching the recommendation.

Emerging Local Plan (Regulation 19 Publication Version)

The Council has approved the publication of the Torbay Local Plan 2025–2045 Regulation 19 Publication Version. As the Plan has now reached an advanced stage of preparation, it constitutes a material consideration in the determination of planning applications. The weight to be afforded to the emerging Plan is a matter of planning judgment and will depend upon the extent to which relevant policies are consistent with national policy, the stage reached in the plan-making process, and the degree to which there are unresolved objections. The Regulation 19 Plan represents the version of the Local Plan that has been through several rounds of public consultation and approved by Full Council as the Publication Plan. It therefore attracts greater weight than earlier draft versions, although it does not yet form part of the statutory Development Plan.

In the assessment of this application, the relevant policies of the emerging Regulation 19 Local Plan have been taken into account as material considerations alongside the adopted development plan and other material considerations.

Relevant Planning History

Extensive planning history relating to the application site, most noteworthy are the following:

- P/2026/0239: Alterations to the building including partial demolition of external structures and the roof, internal walls and features including associated works to adjoining structures. Construction of additional storey to roof, formation of new windows and new doors to the northern elevation. Removal of ATM machine and creation of new entry on the south (front) elevation. Pending consideration.
- DE/2025/0180: Redevelopment of the site for c150 bed hotel with ground floor commercial units, with associated public realm, infrastructure and landscaping. New public stepped street. Pre-application response issued 22/12/2025.
- P/2022/0806: Redevelopment to create a mixed-use, including 5 commercial, business and service units (Use Class E), 16 two bed residential apartments (Use Class C3), residents parking court and public square. Approved 12/01/2023.

- P/2022/0637: Request for Screening Opinion for redevelopment of former Debenhams store to five ground floor commercial units and sixteen residential apartments. THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 DO NOT MAKE PROVISION FOR PUBLIC COMMENTS TO BE TAKEN INTO ACCOUNT WHEN DETERMINING REQUESTS FOR SCREENING/SCOPING OPINIONS. EIA Not Required 13/07/2022.

Summary of Representations

At the time of writing 21 letters of objection and 9 letters of support have been received. It should be noted that 4 letters of objection are from the Torbay Heritage Trust.

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

Comments include:

- It provides facilities
- It removes an eyesore
- Makes tourist facilities better
- It makes highway matters better
- It's shown in the Local Plan
- Provides/retains jobs
- Sets precedent
- Residential amenity
- Design
- Economic benefits
- Regeneration benefits

Concerns include:

- Impact on the local area
- Not in keeping with the local area
- Sets precedent
- Noise and disturbance including anti-social behaviour
- Overdevelopment
- Residential amenity
- Impact on heritage assets including listed buildings and conservation area
- Design/visual impact/building height/massing/scale
- Loss of light
- Privacy/overlooking
- Trees and wildlife
- Viability
- Traffic and access including manoeuvrability of service vehicles and lack of parking provision
- Impact on existing tourist accommodation
- Landscaping management
- Sustainable transport access

- Need for a hotel

Summary of Consultation Responses

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

Torquay Neighbourhood Forum (Response dated 24/07/2026):

The Forum notes that Torbay Council is effectively acting as the Developer, Funder and Arbiter of this phase of the project. There are clear potential conflicts of interest that could arise without independent scrutiny of the application submission and process. Consequently, responses from independent Consultees such as Historic England and the Forum should be given significant weight.

The Steering Group is supportive of the principle of the redevelopment and construction of a hotel and retail premises. This is long overdue after the closure of Debenhams, and fulfils the major aspirations cited in the Torquay Neighbourhood Plan to celebrate and enhance both the vibrancy and uniqueness of Torquay town centre and harbour front, and the shopping and social experience related to the newly upgraded harbour public realm.

We have noted a significant number of Objections to the scheme, including concerns from Historic England in their Consultee Response. The Steering Group agrees with these with regard to the visual impact of the additional storeys, and traffic issues on The Terrace and Montpellier Road.

We have reviewed the proposal against the Development Policies in the Torbay Local Plan and the Torquay Neighbourhood Plan, and developed the attached Policy Checklist. As you will see, there are a number of non-compliances.

The primary concern is the height of the former Debenhams building. The increase in height overwhelms the neighbouring buildings, and destroys the current vista of the Terrace, which was built in the early 19th Century, and became a key feature of the view from the harbour. The current Debenhams building when constructed did to a small extent impact the view of The Terrace but, with the additional storeys and rooftop bar for the proposed building, the Forum considers this to cause substantial harm to The Terrace and the Conservation Area. The following quote from the Historic England Response is particularly relevant:

“To a large extent, Torquay's special quality stems from the sum of its individual parts - it is the amalgamation of the natural topography and the sea, combined with the rich and varied architecture that elevates its heritage values.

Sir Lawrence Palk built the grade II listed houses 'The Terrace' that lie above and behind the development site in 1811 to designs by Jacob Harvey. They are one of the earliest architectural set pieces of Torquay and create "an elegant terrace [which is] historically important in the development of Torquay" (ref. list description). These were designed to have primacy in views to and from the harbour and represent the start of Torquay's transformation from its origins as a small fishing village to a holiday destination.

The Terrace and other buildings built around the harbour respond to the water, but also to the sloping hillsides - forming layers of buildings that step up the slope, and tiered views within the harbour area. These views have high value within the conservation area."

From this, it can be concluded that the proposed development is not in line with the requirements of the NPPF Chapter 16, Torbay Local Plan Policy SS10, and Torquay Neighbourhood Plan Policy TH8.

There will be an adverse impact on the amenity of residents of The Terrace in violation of Local Plan Policy DE3. The noise impact, light pollution, and visual overlooking of the properties in the Listed Terrace from the restaurant and rooftop bar, as well as the added noise and pollution from all the service vehicles will be unacceptable. With two restaurants and 150 beds, there will be constant added heavy traffic movements along the narrow road. The sounds of music and even talking at the street level of the Strand can be heard currently from inside the Terrace properties. The increase in noise will be quite dramatic from straight across the road, and the intrusion into the privacy of all those living on the Terrace, will be unacceptable. There are bedrooms and living rooms directly behind the proposed additions and replacement for Debenhams.

The Access & Design statement suggests that access to the loading area to the rear will be straightforward. However, this is optimistic. The width of the road in the Terrace and Montpellier Road is such that delivery vehicles need to be restricted to 7.5 tons, and congestion could easily occur. Larger vehicles would be unable to exit via Montpellier Road, so would have to turn. The Travel Plan suggests that many guests will arrive by public transport; this also is optimistic. Valet Parking is proposed, but guests will need to park/unload either in the layby on The Strand or in the drop-off/delivery area on The Terrace. Both locations would create obstruction, and The Strand has limited width to open car doors. It is difficult to envisage compliance with Local Plan Policies TA1 and TA3.

Overall, the Travel Plan is high level, and in some cases not realistic. A realistic and viable Transport Assessment must be a pre-requisite for any development of this site because of its location on a main transport route. By its nature, a hotel requires suitable and sufficient provision for cars and service vehicles. The Strand as now re-configured makes no provision for these matters or safe cycling. Without a credible Transport Plan demonstrating how these are achieved then this project should not proceed.

The Travel Plan relies on increased walking and cycling but doesn't provide robust evidence of how those outcomes will be achieved or monitored. It combines walking and cycling into a single active travel target, making it impossible to determine whether the cycling measures are actually successful. Likewise, the Transport Assessment concludes that the site has excellent cycling accessibility but demonstrates no objective assessment of the surrounding highway environment. If cars stop in the layby on the Strand to unload, and cyclists are sharing the carriageway with cars, there would be a major hazard to cyclists from opening doors. Thus, without further infrastructure improvement, there is no provision for safe cycling, and we question whether enough cycle storage will be available to meet the needs of all employees and potential guests.

Overall, the Forum supports the principle of the development but, like Historic England, some changes are needed for us to offer full support.

Torbay Council's Principal Strategy & Project Management Officer (response dated 28/07/2026):

The proposal has been through several rounds of pre-application enquiries and my comments on those (from April 2025) remain relevant. I appreciate that the application is complex, so do please get back to me if I have missed anything or misinterpreted any of the proposals/supporting documents.

The development plan remains the Torbay Local Plan 2012-30 (adopted December 2015) and the Torquay Neighbourhood Plan (Made 2019). The Draft Torbay Local Plan 2025-45 has now reached its Regulation 19 Publication consultation stage, having been through three rounds of Reg 18 consultation and approval by full Council on the 23 July 2026. Whilst the Reg 19 Publication Local Plan carries limited weight, it can now be treated as a material consideration in determining planning applications. A primary objective of the Reg 19 Local Plan is to align spatial planning policy with the Council's regeneration and accommodation repurposing programmes. I note that the Torquay Neighbourhood Forum has helpfully provided a thorough assessment of the proposal's performance against the TNP.

The principle of Tourism led regeneration is strongly supported in this location. The existing and draft Local Plans strongly support the principle of regenerating this part of the Harbourside and Waterfront. There is a strong support for the proposal from Policies SDT2 of the Adopted Local Plan and Policies SS1, SDT1 and SDT2 of the Reg 19 Local Plan. The draft Local Plan states: *"The Harbourside and waterfront will deliver improved tourism and leisure facilities including on Strand (former Debenhams)"*. Policy TE1 of the Torquay Neighbourhood Plan particularly tourism accommodation on brownfield sites.

The Strand is both within Torquay town centre and the Torquay Harbourside, Waterfront and Belgrave Road Core Tourism Investment Area. It therefore represents a sustainable location for tourism led regeneration.

My pre-application comments raised the issue of market demand/viability for a new hotel in this location in the light of recent additions to Torbay's hotel stock including: The Premier Inn Torquay Harbour Hotel (120 rooms) and Hampton by Hilton Hotel (131 rooms) in the immediate vicinity of the Strand. In addition, the 152 bedroom Indigo Hotel at Corbyn Head has recently opened. The Mercure (161 bedroom) and Ibis Styles (127 bedrooms) hotels in Paignton are a little further afield but are also significant recent additions to Torbay's serviced accommodation. The approved 248 bed hotel on the site of the Palace Hotel, Babbacombe (P/2019/0716) remains stalled, although it is outside of the CTIA and does not have a waterfront location. The Local Plan Working party has expressed a view that the former Bishops Palace site should remain in tourism use, although this has not been tested through a planning application.

For the avoidance of doubt, Policies TO1 and SDT2 of the Adopted Local Plan do not require new holiday accommodation to demonstrate need/demand. Nevertheless, the deliverability of a scheme is material to the likelihood of the economic and regeneration benefits being realised, as well as weighing up the opportunity cost in terms of foregone housing. I note that

the application is supported by a market demand assessment by Colliers and an assessment of costs-to-benefit by Hardisty Jones. Colliers' assessment indicates a demand for upper end serviced accommodation and suggests a level of displaced demand leaving Torbay. I have discussed the issue with colleagues in Economic Development who are leading the review of the English Riviera Destination Management Plan. The Destination Management Plan is supported by an accommodation audit by Tomorrow's Tourism, which is currently in draft. Whilst it is impossible to be definite about the viability of the proposed scheme at the Strand, the draft Accommodation Audit does indicate an undersupply of luxury accommodation (and oversupply of economy-midscale accommodation) in Torbay compared to Devon and Cornwall. It also suggests evidence of untapped demand for luxury accommodation. This is consistent with the evidence in the current Destination Management Plan, which has informed the emerging Local Plan, i.e. there is a need to reduce the overall stock of outdated accommodation but support the creation of new upper end of the market hotels.

Policy TO3 of the Draft Local Plan seeks to increase flexibility for the change of use or redevelopment of tourism accommodation outside CTIAs. The council's accommodation repurposing programme seeks to support the change of use or redevelopment of hotels (etc.) to provide affordable housing and is an important element in overcoming the limited viability of brownfield housing schemes.

Loss of Housing

The proposal will result in the loss of three existing dwellings and removes the 21 dwellings approved under P/2022/0806 (on the former Debenhams site) from the pool of deliverable housing sites. Torbay's five year housing supply shortfall is very serious and the loss of housing must be given significant weight in the planning balance. However, the main Local Plan designation on the Strand/Harbourside is for tourism and leisure. The Draft Local Plan particularly seeks to focus commercial/leisure/tourism activity in this part of the town and to promote greater housing led regeneration in other parts of the town centre, particularly from Market Street/ Union Square upwards and along Lower Union Lane. The Council's Accommodation Repurposing Programme ("Hotels to Homes") is likely to be a key source of new brownfield housing as set out above. On this basis, the loss of potential housing in this location is likely to be more than compensated by the release of other holiday accommodation stock for homes; and by the wider regeneration and economic benefits of the development.

Main Town Centre Use Issues

The site is within Torquay Town Centre and the Adopted Torbay Local Plan designates the Strand as a Primary Shopping Area. Hotels and associated tourism uses are a "main town centre use" and the proposal is consistent with the local plan designation. The proposal appears to have a separate Class E ground floor use. The existing Local Plan seeks to be flexible about ground floor commercial uses and the application site would lend itself to a range of uses ancillary to the hotel. The NPPF has dispensed with the requirement for Local Plans to identify Primary Shopping Frontages, and the Draft Local Plan follows a more relaxed approach to the types of uses supported within town centre areas. Notwithstanding this, the maintenance of an active commercial ground floor use is important in this central location, and it may be appropriate to condition the uses that are approved (which could include the lobby and dining areas as suitable active frontage uses) to ensure that an active frontage is provided.

The proposal contains a roof-top bar and it is possible that the ground floor use could also entail the sale of alcoholic drinks. On that basis then a town centre management/CCTV contribution would be appropriate in line with Policy TC5 of the Adopted Local Plan and TC10 of the Draft Local Plan.

The site is located within a Community Investment Area and shown as within the 3% most deprived neighbourhoods (Lower Super Output Areas) in England in the 2025 English Indices of Deprivation. It ranks as one of the most deprived neighbourhoods in Torbay (86th out of 91 LSOAs). There is deprivation across every domain. Policy SS11 of the Adopted Local Plan, and SCS of the Draft Local Plan, are therefore a relevant considerations. The proposal would have significant regeneration and economic benefits. The assessment by Hardisty Jones estimates that the proposal would generate 367 gross direct person years of employment and £24m of GVA and indirect construction benefits of 533 person years of employment and £35m of GVA. In operation, Hardisty Jones assess that the hotel and food and drink uses will generate 163 FTE jobs and £162 million in GVA (over 60 years discounted to present value). The proposal therefore draws very strong support from Policy SS11 and SCS.

I previously indicated that the proposal should consider specific measures to help capture the economic benefits locally, including:

- Public realm improvements that improve public safety and reduce the fear of crime. The CCTV issue noted above relates to this. The occupation of vacant buildings and creating an active use in the area are already social benefits.
- Local training and employment agreements (SS11.8, 11.11 and Policy SC3 of the Adopted Local Plan and SCS of the Draft Local Plan). This is a specific Community and Corporate Plan objective and will assist in maximising the local economic and social benefit of the proposal.

Flooding and Water Management

Drainage and water management issues are emerging as a critical infrastructure constraint in the Draft Local Plan, most of Torbay is a Critical Drainage Area, and combined sewer overflows into Tor Bay may impact the Lyme Bay and Tor Bay Marine SAC. Policies ER1-ER4 of the Regulation 19 Publication Local Plan have accordingly been strengthened (but take forward the principles in ER1-ER2 of the Adopted Local Plan) to reflect this constraint. The matter is one for technical advice by Drainage colleagues and my policy observations are subject to their views.

The site falls within the Local Plan ER1 Flood Risk Zone, although current Environment Agency mapping shows the site as Flood Zone 1 with a very small area in Zone 2. The proposal contains elements of a “more vulnerable” flood risk use, although ground floor class E uses are classed as less vulnerable. In practice some of the existing ground floor of properties on Strand are used for a range of “more vulnerable” uses including pubs and bars. There may be significant overtopping issues, and there is a history of surface water and combined sewer flooding in the area, both of which are noted in the Flood Risk Assessment prepared by Aquatech. My pre-application comments requested that a high level sequential test be carried out, and I note that this is addressed in Section 8.3 of the submitted report by Aquatech. Any waterfront location will have some flood risk, but are natural draws for tourism. I accept that within the criteria in 8.3.7 there are no sequentially preferable sites. In my view

the exception test is a more important and sensible consideration in practical terms. As set out above, the proposal has significant economic benefits and will help regenerate the Community Investment Area. The Aquatech report sets out how the site can be made safe for its life time as per paragraph 178b of the NPPF). This is a matter for expert review, but I note that the proposal contains an escape route via The Terrace and management of surface water run-off. On this basis the proposal appears to satisfy the sequential and exceptions tests.

A key related issue for the Local Plan is to minimise water run off into the shared sewer system, which can increase the risk of combined sewer overflows into the Marine SAC. The SAC issue is additional to Torbay's status as a Critical Drainage Area. Section 10.9 and 10.10 of the Aquatech report indicate that excess surface water will be captured in tanks under the Strand and that there will be a reduced off-site discharge of surface water into the combined sewer from the current situation. The application is supported by a Habitats Regulations Appropriate Assessment by FPCR Environment and Design. This sets out measures to reduce surface water drainage (section 5.7- 5.16 for operational drainage) to minimise likely significant effects on the SAC. Paragraph 5.18 of the Appropriate Assessment states that foul water will discharge into the combined sewer.

I welcome that the scheme has sought to address surface water run-off measures. Because the development will intensify the use of the area and increase foul water discharge, I would encourage a S106 or other mechanism to contribute to the upstream River Fleet Sustainable Drainage schemes that the Drainage Team have prepared.

Design and Heritage issues

Clearly design, public realm and heritage considerations will be vital in this location. The site is within Torquay Harbour Conservation Area and includes a Grade 2 listed building (the former RBS Bank, 8 the Strand). The proposal also affects the setting of listed buildings including: Maples 15-16 Strand, The Terrace, and St Johns Church (which is further away but Grade 2*). The relationship with The Terrace is important in both historic town scape and residential amenity terms. I note that changes to the roof of 8 the Strand is a matter raised by Historic England. The proposal also involves the loss of non-designated assets including the canopy and much altered former fishermen's cottage 10-11 the Strand. Against this, the proposal creates a more unified frontage and improves accessibility/permeability to The Terrace.

Assessment of design and heritage impacts are a matter for specialist advice, having regard to Policies DE1-DE3, SS10 and HE1 of the Adopted Local Plan; TH8, TH10, TJ3 and T12 of the Torquay Neighbourhood Plan. Chapters 10 and 11 of the Reg 19 Publication Local Plan set out similar considerations to the adopted Local Plan. Both the existing Local Plan (SS10.7) and the Regulation 19 Local Plan (HES1(ii), HE1) recognise that wider public benefits arising from regeneration are relevant when considering the impact of development on designated heritage assets. Chapter 16 of the NPPF (currently paragraph 212 et seq.) and legal duties towards heritage assets will also be important.

My previous pre-application comments indicated that there should be a schedule of redevelopment so that demolition only takes place when there is a reasonable prospect that development will proceed. This has now been incorporated into Policy HE4 of the reg 19

Publication Version of the Local Plan. Policy HE5 of the Reg 19 seeks the investigation, preservation, recording and curation of historic artefacts.

The amenity of nearby residents, particularly in The Terrace, will also need to be carefully considered and Policy DE3 of the Adopted Torbay Local Plan (and the Reg 19 Publication Plan) are relevant.

The proposal is supported by a Heritage statement by Avalon Planning. This assesses that there will be "moderate (less than substantial) harm" to designated heritage assets and substantial harm (the demolition) of two non-designated assets. It is a matter for expert assessment as to whether these changes constitute less than substantial, or substantial harm to the significance of designated heritage assets (and whether paragraphs 213-214 or 215 of the framework are engaged). As you are aware, the NPPF requires great weight to be given to the conservation of designated heritage assets. In policy terms the proposal has significant regeneration benefits. I would also note that significant weight should be given to measures that improve sustainable drainage and reduce water run-off into the combined sewer, even where this uses non-historic materials such as the proposed sedum roof.

Transport issues

Separate transport comments have been provided by WSP. The proposal has no car parking, but relies on vehicle drop of bays on the Strand. In this central location, Policy TA2 of the Adopted Local Plan (and accompanying Appendix F) do not set a minimum requirement, although a guide is provided in Appendix F. However, since the rationale for the hotel is that there is a demand for a luxury serviced accommodation, it is likely that some guests will drive, and provision also needs to be made for disabled parking. It is not a Planning Policy issue per se (since the Local Plan allows for zero parking in this location) but provision should probably be made for secure concierge parking for guests that do arrive by car.

S106 Items

The development is be zero rated for CIL. The key s106/S278 issues are likely to be to do with street scene management and encouraging improvements to walking, wheeling and public transport in the area. Highways will need to identify these through S278 agreement. The proposal should also make provision for up-stream sustainable drainage. Since both are council run programmes S106 may not be the most appropriate way to achieve this. I would also welcome a local employment/training condition, although this is probably best achieved through a planning condition requiring an end user to provide reasonable details and operate such a scheme.

Conclusion

There is strong policy support for the proposal, which would regenerate an important part of Torquay town centre and would be an important element in the modernisation of the tourism economy and Torquay town centre. The proposal is very sustainably sited for a hotel and is within the CTIA. I note that the proposal generates significant design, massing and heritage issues. These must be given great weight but should be balanced with the regeneration benefits of the proposal.

Torbay Council's Principal Strategy & Project Management Officer (addendum response dated 28/08/2026):

My view so far is that it doesn't materially change my planning policy conclusions set out in my response dated 28th July 2028. Please can the following be treated as an addendum to my previous comments:

The August 2026 Framework takes immediate effect for development management purposes, and is a "material consideration of critical importance" (Chapter 1.1). Development Plan policies that are materially inconsistent with the new Framework should be given very little weight (Annex A). However, the NPPF does not displace other statutory obligations, including the Planning (Listed Buildings and Conservation Areas Act)1990.

The Strand is within a settlement and benefits from the presumption set out in Policy S4. Although it is a Plan Making policy, E1.c.iii gives weight to the expansion or modernisation of business and specifically mentions tourism. This reinforces the importance of the Adopted and emerging Local Plans' Core Tourism Investment Area policies and their consistency with the Framework.

NDM Policy E2 gives substantial weight to the economic benefits of commercial development, especially where this supports the economic vision and strategy for an area. There is no policy requirement for the proposal to demonstrate a need for a hotel in relation to Policy E2.2 (and specifically S5 does not apply). However, the Destination Management Plan indicates an undersupply of luxury hotels, that would be part of an overall strategy of releasing more marginal holiday accommodation. On that basis the proposal assists with meeting the changing needs of the tourism industry. An hotel is a main town centre use and benefits from Policy TC2 of the Framework.

The undoubted thrust of the 2026 NPPF is to assist meeting the Government's 1.5 million homes target. It is accompanied by updated 2025 Housing Delivery Test, for which Torbay scores 40%, which is a serious shortfall. As previously set out the application will result in the loss of 3 existing dwellings and 21 dwellings approved under P/2022/0806. This does raise a tension with Policy S4.2.a.i of the urban presumption policy. However, it is an instance where the Framework pulls in different directions and directs "substantial weight" to both housing and economic development. Moreover, the proposal is a component of the council's wider accommodation repurposing programme where it is seeking to facilitate the redevelopment other holiday accommodation for housing. The development plan designation for the Strand is Core Tourism Investment Area and Primary Shopping Area. On that basis I consider that the loss of (potential) housing remains acceptable within the overall policy framework and when balanced against the economic benefits.

I appreciate that the new Framework somewhat recasts heritage policies. Specifically the tests in 213, 214 and 215 of the 2024 Framework are now part of NDM Policies HE6, HE7 and HE9. The nuances of this policy are likely to be tested at length and through the Courts, particularly in the context of the stronger urban Presumption at Policy S4. However, the overall approach to designated heritage assets in HE6-HE7 appears similar to that which applied under the earlier Framework, and is a matter for specialist advice. My comments regarding a schedule of redevelopment, and investigation/recording etc. of artefacts are consistent with Policy HE10 of the new Framework.

The Framework has strengthened the policy response to water management and flooding. My previous comments welcomed the proposal's measures to reduce surface water run-off, but also identified the need for investment in up-stream sustainable drainage or measures to remove surface water from the combined sewer/River Fleet. Policy F8.3 of the Framework encourages the removal of existing culverts, which may be relevant to upstream management measures for the River Fleet. Removal (and ideally making better use of) surface water remains a critical infrastructure challenge in Torbay.

In conclusion, the new NPPF has not changed my overall Policy support for the proposal. Whilst the loss of housing is relevant, this is offset by the economic benefits of the proposal and its role in modernising the tourism sector. The new Framework strengthens support for new commercial development. The water-management issues identified in my earlier comments remain relevant and can be addressed by off-site mitigation.

Torbay Council's Senior Environmental Health Officer (original response dated 22/06/2026):

Food and Safety Team

- Food areas must comply with Food Hygiene legislation, including registering the business with this Department 28 days prior to opening.
- With regards to toilets, the standard that Torbay Council recommends is contained in the table below. All toilets will need a lobby (e.g. 2 doors) between the toilets and any food preparation/storage areas and they must have sufficient mechanical or natural ventilation.

Number of Persons	Male	Female
1-15	1 shared WC 1 wash basin	
16-50	1 WC 1 urinal 1 wash basin	1 WC 1 wash basin
51-100	1 WC 1 urinal per 25 2 wash basins	2 WC's 1 wash basin
For customer capacity exceeding 100, additional sanitary installations shall be provided in accordance with the following provisions:-		
Appliances	For male customers	For female customers
WC	1 per 100 or part thereof up to 400 males. For over 400 males, add at the rate of 1 per 250 males or part thereof.	2 per 50 up to 200 females. For over 200 females, add at the rate of 1 per 100 females or part thereof.
Urinal	1 per 50 males	
Wash Basin	1 per WC and in addition 1 per 5 urinals or part thereof	1 per WC
Bucket/Cleaner's Sink	Adequate provision should be made for cleaning facilities including at least one cleaners sink	
<u>Note 1:</u> In the absence of more reliable information, it will be assumed that the customers will be 50% male and 50% female.		

- You must have suitable refuse areas inside and outside the premises. You cannot store them on the highway/pavement or any Council owned land without express written permission from the Council's Highways department. Refuse must be deposited in closable lockable containers which can be kept clean and disinfected. Refuse areas must be kept clean. Any other types of containers or system must be agreed by the Authority.
- You must have a commercial waste contract for collection of your trade refuse.
- The premises must comply with the Health Act 2006 to ensure all enclosed areas are smoke-free. Any designated smoking areas must comply with the legislation and be non-substantially enclosed.
- There have been Radon issues in nearby properties so make sure a professional Radon Risk Assessment is carried out before physical construction begins.

Noise

Please could you ask the developer to provide further information on the following before I make recommendations for appropriate noise conditions?

- Torbay Council would normally expect new building services plant to achieve a rating noise level of 5dB below background. The plant noise limits proposed in the submitted report are however equal to background. Please could you explain whether the lower limit is likely to be achievable and represent sustainable development in this case?
- The report compares the likely impact of noise from people on the terrace to the existing noise from road traffic and concludes that the expected change in noise levels will be small. I agree that the change in average noise levels may be small, but the impact of noise from the terrace is probably not assessed reliably by considering the average sound pressure level alone. Road traffic noise and the sound of people talking, laughing and enjoying themselves are very different and voices have the potential to be annoying even at relatively low levels. Please could further assessment of the impact of noise from the terrace be conducted, or additional mitigation proposed.

Lighting

Please could you add the following condition to any consent:

Prior to the commencement of the development an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of any nuisance light spill (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.

Reason: In the interests of the amenity of the area, especially nearby residential uses.

Contaminated Land

The submitted phase 1 (desk study) report recommends that further intrusive investigation is carried out. Please could you include the following condition on any consent to manage this? No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning

Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Kitchen Extraction

Please could the following condition be included on any consent:

Prior to the commencement of any commercial kitchen, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how smoke, grease and odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

Reason: In the interests of the amenity of the area, especially nearby residential uses.

Note: The applicant should be advised that further guidance on the required information is available in annex B and annex C of the withdrawn DEFRA document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' or the document of the same name published by EMAQ).

Construction Management Plan

Please could the following condition be included on any consent:

No 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:

- 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.
- A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints.
- 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.
- No driven piling without prior consent from the LPA.
- A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions to be conducted if deemed necessary by the LPA following justified complaints.
- No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.
- No burning on site during construction or site preparation works.
- All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.
- The site access point(s) of all vehicles to the site during the construction phase.
- The areas for loading and unloading plant and materials.

- The location of the site compound and details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable).
- The location of storage areas for plant and materials. This should include the location of stockpiles of topsoil and sub soil.
- The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- 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.

Torbay Council's Senior Environmental Health Officer (updated response dated 20/08/2026):

I am happy with the plant noise limits in this case. I think that their explanation is sound, and the nature and scale of the redevelopment means that I am less concerned that I normally would be about lots of individual applications for individual bits of plant cumulatively increasing noise pollution in a significant way.

Can we include a plant noise limit condition along these lines:

The level of sound associated with the operation of mechanical building services plant and equipment at the completed development, when determined externally under free-field conditions, shall not exceed a Rating Level (as defined by BS4142:2014+A1:2019) of:

- 49 dB during the daytime (07:00 to 23:00) and 38 dB during the night-time (23:00 to 07:00) at the curtilage of any residential receptor on The Strand as existing or consented at the time of this consent; and

- 45 dB during the daytime (07:00 to 23:00) and 33 dB during the night-time (23:00 to 07:00) at the curtilage of any residential receptor on The Terrace as existing or consented at the time of this consent.

I would like a management plan condition for the terrace (to cover such things as music, the nature of use of the area) and deliveries/servicing etc. But I would still like an absolute limit on the hours of use of the terrace area as well. Could we do something like this?

The 5th Floor Terrace area shall not be used by patrons outside the hours of 07:00 to 23:00.

and

Prior to commencement of the use of the development, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full thereafter. Any subsequent changes to the approved plan shall be agreed in writing with the Local Planning Authority.

I would also support the balustrade to this area being made solid, if this is possible in visual terms.

Active Travel England (response dated 25/06/2026):

Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.

Torbay Council's Climate Strategy & Project Officer (response dated 27/07/2026):

I welcome the submission of an energy & sustainability statement and the which includes commitment for the following elements:

- Use of the energy hierarchy and the 'be clean, be lean and be green' principles
- Fabric first approach
- Use of ASHP's to provide heating and hot water for the development
- Use of MVHRs to increase the resilience of the development to impact of a changing climate
- Use of solar PV to offset some of the electricity costs from heating and carbon emissions

Whilst the proposal for the development is set to comply with Part L 2021 Building regulations, as a council project, my expectation would be to go beyond compliance with part L and leading by example as a council development.

I note within the proposed energy & sustainability statement that a number of Low and Zero Carbon (LZC) technologies were explored, however given the location of the development and its proximity to the sea, whether a sea water heat pump solution has been explored as part of the development?

I recommended the following condition wording (or similar);

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles, water conservation and climate change adaptation measures into the design and construction of the development in full accordance with the energy and sustainability statement by Hoare Lea Ltd dated 30th January 2026 prior to occupation or use commenced.

As proposed, a 4.8% reduction in carbon dioxide emissions, compliance with Part L 2021 Building Regulations and in line with the energy hierarchy shall also be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of and can adapt to a changing climate and to meet Policy SS14 and ES1 of the Torbay Local Plan.

Renewable energy

- 1) The development hereby approved shall incorporate the renewable energy measures outlined in the energy and sustainability statement by Hoare Lea Ltd dated 30th January 2026, into the design and construction of the development.

- 2) Prior to occupation, the following information shall be provided: - Evidence of the PV & ASHP system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate.
- 3) A calculation showing that the projected annual yield of the installed system and how the generation has been maximised to reduce the energy usage on site.

Reason: To ensure the development contributes to minimising the effects of and can adapt to a changing climate and meets Policy ES1 of the Torbay Local Plan.

It should also be noted by the applicant that the Future Homes and Buildings Standard (FHS) is to be introduced on March 24th 2027. If this application wasn't approved before this deadline, the expectation is that the development would need to meet the requirements of the FHS. This application meets the majority of these requirements in terms of the "zero-carbon ready" proposals such as the use of ASHP's, solar PV and fabric first approach, however, the requirements for FHS in terms of air tightness and ventilation within new buildings.

Devon & Somerset Fire and Rescue's Fire Safety Inspector (response dated 08/07/2026):

As the proposal will be subject to Building Regulations and the Regulatory Reform (Fire Safety) Order 2005, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority at the Building Regulations stage.

Under this process, the proposal must comply with the functional requirements of the Building Regulations, including "but not limited to": Access and facilities for the fire service, minimum road widths, turning facilities for fire service vehicles, maximum reversing distance, requirements for fire mains, hydrants and smoke control.

Additionally, the provision of appropriate water supplies for firefighting (Street Hydrants) including appropriate flow rates will need to be achieved. Information on this should be sourced from the National Guidance document on the provision of water for firefighting (4th Edition; June 2025).

Historic England (original response dated 10/07/2026):

Summary

Historic England supports the principle of the regeneration of this part of Torquay's historic core, but we have concerns about the heritage impacts of the proposals. We consider that relatively modest adjustments to the scheme could successfully address several of these concerns and successfully balance the redevelopment of the site with the conservation of Torquay's special historic qualities.

Advice

Historic England provided pre-application advice regarding this development in July 2025 and February 2026. In our advice we supported the principle of the regeneration of this part of Torquay but raised concerns about impacts on the character and appearance of the conservation area and various listed and other buildings. We recommended that changes were made to the scheme to address these concerns, which we considered could be accommodated without affecting the positive outcomes that the scheme could deliver.

The Proposals

The proposals are for the redevelopment of part of The Strand to create a c.150 bedroom hotel and associated retail spaces, with public access steps from the Strand to The Terrace. Existing buildings will be either partially or completely demolished, whilst some will be adapted.

The Significance of the Heritage Assets

The development site lies within the Torquay Harbour Conservation Area and is also within the setting of various listed buildings. The Conservation Area is described within the Council's recently revised and adopted appraisal, and also in the submitted heritage appraisal.

To a large extent, Torquay's special quality stems from the sum of its individual parts - it is the amalgamation of the natural topography and the sea, combined with the rich and varied architecture that elevates its heritage values.

Sir Lawrence Palk built the grade II listed houses 'The Terrace' that lie above and behind the development site in 1811 to designs by Jacob Harvey. They are one of the earliest architectural set pieces of Torquay and create "an elegant terrace [which is] historically important in the development of Torquay" (ref. list description). These were designed to have primacy in views to and from the harbour and represent the start of Torquay's transformation from its origins as a small fishing village to a holiday destination.

The Terrace and other buildings built around the harbour respond to the water, but also to the sloping hillsides - forming layers of buildings that step up the slope, and tiered views within the harbour area. These views have high value within the conservation area.

The Terrace dominates many views across the harbour as a result of its repetitive architectural style and detailing, and rendered white facade. The significance of this terrace is clearly demonstrated in the early drawings of the town from the early 19th century. It is designed to relate to the harbour both in views to it and from it, and also to be read as one long, set piece. Despite subsequent development around the Terrace, it remains a prominent and highly important part of Torquay's townscape.

The Royal Bank of Scotland/ no.8 The Strand (grade II listed) was constructed in 1893. It retains a handsome facade and some original features internally, in particular decorative features and a coffered ceiling at ground floor, and various staircases.

The 'big' Debenham building is not a designated heritage asset. It has little architectural or historic value. Nonetheless it fronts the Strand reasonably comfortably, generally reflecting the massing and height of other buildings along the Strand.

The 'little' Debenhams buildings (or old fishermen's cottages) are some of the last remnants of the small fishing village that expanding into a thriving tourist destination. Whilst these houses have been radically altered, their scale and presence is an important and legible link to Torquay's development.

The Impact of the Proposals on the Heritage Assets

Historic England acknowledges that the redevelopment of this part of Torquay has the potential to generate considerable economic, townscape and public realm benefits. The central stepped access will open up some views to The Terrace from the Strand and create an improved pedestrian link to the street. The proposals will enhance the rear of the site when viewed at street level along The Terrace - the stone boundary wall, railings and hedge planting will bring a cohesive appearance to this area and replace the ad hoc arrangement of parking areas and vegetation. The hotel itself will reanimate and revitalise this part of the harbour.

Notwithstanding the above, our pre-application advice consistently raised concerns that several of the new hotel buildings would be significantly taller than the current structures and that this would create partial blocking effects in important views, in particular across the harbour towards the hillside and to and from The Terrace. We considered this to be harmful to these heritage assets, and partially avoidable with modest design changes.

We reiterate our previous recommendation to explore ways to reduce heritage impacts, such as rescaling and adjusting the position of the roof terrace level (National Planning Policy Framework (NPPF), paragraph 208 - avoiding or minimising conflict between development and conservation). This change could reduce heritage impacts considerably, and avoid loss of hotel accommodation.

Adding storeys above and behind existing buildings (such as no.8, a listed building) leads to considerable loss of original historic fabric, including entire roofs. This erodes the architectural integrity and special interest of the building, and also introduces alien materials and design such as extensive glazing and sedum roofing.

We note the proposed additional animation and outdoor leisure space at roof level. Whether this contributes to, or detracts from, the character of the area is a matter for your Council to consider. We recommend however, that careful thought is given to the impact that additional noise and overlooking could have on neighbouring properties and their sustainable uses.

We leave detailed comment on other heritage impacts (to both designated and non-designated heritage assets) to your own heritage specialists, noting that the loss of the fishermen's cottages would also result in harm to the Conservation Area given their tangible reference to the history of Torquay's development.

Whilst the positive elements of the scheme (in heritage terms) provide some mitigation to the impacts described above, this does not compensate for the harm caused to the conservation area and The Terrace, in particular by the partial blocking effect of the development. (NPPF paragraphs 212 and 213 - great weight should be given to the conservation of heritage assets in decision making; any harm should have clear and convincing justification).

Historic England's Position

We continue to support the principle of regenerative redevelopment of this area, which we agree will help link the harbour area to other parts of the town centre and reactivate The Strand. We also accept the loss of the Debenhams building and the principle of a larger building in this location - Torquay is a place that is famous and loved for its eclectic mix of

building designs, heights and styles. The opportunity for new development to fit within this character is clear.

However, we recommend that design changes are made to minimise the harm that we have identified, thereby creating a better balance between conservation and regeneration aims.

Recommendation

Historic England advises that your Council should seek amendments to these applications in order to limit the harm the proposals would do to the significance of the heritage assets described above.

Should the proposals remain unchanged, it will be for your Council to assess whether the harm to the significance of the conservation area and The Terrace would be outweighed by public benefits secured by the development. In doing so, it should give great weight to the conservation of these designated heritage asset/s.

Historic England (updated response dated 08/09/2026):

Historic England notes that our comments on the applications and recommendations for minor amendments have been responded to, but that no amendments have been made to the proposals. This is particularly disappointing given the clear and consistent advice that we have provided throughout the pre-application advice stages and in our previous letter, and because we have suggested ways that our concerns could be addressed. Our position remains as outlined in our first letter. We encourage your authority and the applicant to negotiate meaningful amendments that will minimise the harm we have identified in order to accord with the listed building and conservation area legislation, the National Planning Policy Guidance, and local policies.

Recommendation

Historic England advises that your Council should seek the amendments that we have previously identified in order to limit the harm the proposals would do to the significance of the heritage assets.

Should the proposals remain unchanged, it will be for your Council to assess whether the harm to the heritage assets's significance would be outweighed by public benefits secured by the development. In doing so, it should give great weight to the conservation of these designated heritage assets.

Historic Buildings and Places (original response dated 16/07/2026):

Thank you for notifying HB&P of the above applications for planning and listed building consent for the redevelopment of a prominent site on Strand within the recently updated Torquay Harbour Conservation Area. The development site includes both the grade II listed former bank building (No. 8) and the former cottages at No 10a-11a, which are identified as buildings of local historic interest that make a positive contribution to the significance of the CA, as they pre-date Torquay's development as a resort town of (as noted in the CA Vol II Heritage Audit). The 1930's cast-iron canopies outside 12-14 Strand are also of local interest and contribute to the streetscape.

HB&P acknowledge the low heritage value of most of the former Debenhams store buildings and the potential benefits for the wider town centre from the regeneration of this site. However, HB&P are concerned about the lack of deference to the historic environment displayed in this application.

The listed building at No 8 dates from 1893 and is designed in a Neo-Artisan Mannerist style, including rusticated pilasters and an entablature to the Strand elevation. While the main banking hall at ground floor will be retained, this proposal largely 'facades' the upper floors to make it fit with the rest of the development. Redevelopment of the rear wing may be acceptable, but the loss of the roof is excessive and greatly undermines the integrity of the listed building as a whole. There is obviously potential to sensitively subdivide levels one and two for hotel rooms, but the historic roof form should not be compromised and should be retained in its current form.

Regarding the rest of the development, there is little assessment of the original cottages identified as being of interest in the CA HAA and it is unclear to what extent these survive internally and how they contribute to our understanding of Torquay's development.

Of most concern is the height and roof line to the proposed structures. The proposed building to the east side of the steps is particularly odd, with the roof top bar and terrace above the mansard roof having almost zero relationship architecturally with the building from the mansard down. It appears to be a last-minute addition and the disharmony doesn't help 'enhance' the character of the conservation area, as well as this level blocking views from Higher Terrace to the Harbour.

The historic photos back to 1863 (p64, HS) show the use of awnings along this section of Strand, indicating a long need to address solar access and provide a public amenity and the 1930s cast iron poles and canopy are a continuation of this. The proposal would remove these poles (which are effectively locally listed by including in the CA HAA) and the existing canopy and does not provide any sort of alternative public amenity in terms of shading, which would be to the detriment of the character and history of the conservation area.

While supportive of the principle of regenerating this site, further design work is needed to address the above conservation issues.

Policy: Chapter 16 of the NPPF (2024), particularly paragraph 212, states: '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'.

Historic Buildings and Places (updated response dated 20/08/2026):

While we understand and appreciate the applicant's rationale for the design (i.e. the need to maximise room numbers), HB&P continues to have concerns about the alterations to the listed bank building at No. 8. The special architectural and historic interest of this heritage asset is the building as a whole, not just the main elevation and the banking hall. The design is very much representative of bank architecture of the period, which sought prominence on the high street and embodied solidity and respectability via its architecture. While the rear

has been altered/ extended and the interior modernised, the original architectural intention and expression is still clear and evident and the roof form (and the associated historic fabric) remains an important part of the design and helps give context to the rest of the building, particularly the pediment.

As previously advised, HB&P has no concerns with the principle of the development, the redevelopment of the rear of the bank, or the reuse of the former bank as part of the hotel and recognise that some changes are needed to support this integration. But further options need to be explored to find alternative locations for the additional rooms behind the retained pitched roof. Potentially, a deeper build to the rear of the bank may provide the additional floorspace necessary for the two offset rooms?

Our concerns about the design of the roof top bar/ restaurant to the proposed building to the east side of the steps also remain unchanged. The design of this level above the mansard roof is very odd and has no architectural relationship with the building form from the mansard down. Again, we understand the rationale for wanting additional floorspace, but the disharmony between the two parts doesn't help 'enhance' the character of the conservation area or offset the harm caused by the additional height within the CA. Some of the new images provided (e.g. Fig 1.13, in the response) show the awkward angle of this roof above the mansard. If the additional height is to be pursued, a more cohesive design is needed to unite the two parts of the building to ensure it makes a positive contribution to the streetscape.

Having considered the additional images provided, it is also important not to lose design quality to the stair elevations of both buildings. These elevations need to be as engaging and contributory to the sense of place as the main street elevation.

We defer to the advice of your conservation officer regarding the other conservation matters.

Devon & Cornwall Police Designing Out Crime Officer (original response dated 08/07/2026):

Firstly, it is noted and welcomed the inclusion of the page titled Crime Prevention within the Design Access Statement, I support the measures included within the page.

Hotel

It's noted that there will be a form of access control to provide access for the bedroom corridors which will restrict movement and provide a layer of security to paying hotel guests. It's recommended that the doors providing access to the stairwells 1 and 2 from the ground floor are also on the access control system to prevent access into the hotel from these areas, alternatively a double door could be placed in the circulation corridor before the stair 2 doorway to prevent free access to non-paying guests of the hotel.

CCTV cameras should be distributed throughout the building and external areas where appropriate. A clear passport to compliance document should be in place prior to installation to ensure the system is fit for purpose. Coverage should include access-controlled areas, all entry and exit points, bike, and bin stores, any till areas, bar areas, delivery and drop off areas. CCTV should be designed to co-ordinate with the lighting and landscaping scheme. It

should also have a recording format that is acceptable to the police. Recorded images must be of evidential quality if intended for prosecution.

It is welcomed the design appears to have no recessed doorways and concealed areas are limited which will improve the level of surveillance opportunities and reduce cover for criminal and unwanted behaviour.

Staff only areas such as housekeeping, stores, back of house and plant rooms etc. should be included on the access control system to provide a level of management on authorised entry to these rooms. These areas should also be clearly signed to prevent casual intrusion to remove the excuse from potential offenders claiming they did not know it was a restricted area.

Given that reception staff during the night can be often on the desk on their own it might be beneficial if there was a secondary exit from the reception, for incidents that they feel threatened or concerned or their welfare that would give them a route without going into the lobby.

As the commercial waste is to be brought from the bin stores through the stairwell of stairwell 5, it is recommended this door has a self-closing and locking mechanism in order to prevent this door from being inadvertently left open and providing free access.

The proposed development would fit within the standard tier under the Terrorism Protection of Premises Act:2025 (Martyn's Law), as such the design team and client should read this document, consider the capacity of the venue and decide which provisions will apply to them. They should consider what reasonably practicable measures can be designed into future proof their operations to comply with Martyn's Law upon its enactment. If further advice is required, please come back to me.

Any matters relating to licensing will be dealt with as a separate matter by the licensing department.

Commercial

Whilst it's appreciated the tenants of the commercial units may not be known at this stage it may also be beneficial to consider installing wiring for CCTV and alarms, to allow the tenants to install their own system. This way associated equipment such as alarm boxes etc could be positioned in an area which is going to be sympathetic to the buildings and may reduce concerns from a historic perspective.

Public Realm

It is welcomed the public realm areas appear to be inviting and the pathways wide, and a good level of natural surveillance which will hopefully make this a main route for pedestrians to use rather than using other poorly lit and unobserved pathways within close proximity of the proposed development. It would be recommended that there is some form of wayfinding to promote this route and other local amenities.

The external furniture being proposed in the public realm should be of a robust, vandal and graffiti resistant design and fixed into the ground to prevent from being stolen or used to cause

damage. Ideally tables and chairs should be of a design that can be easily moved and stored inside when not in use. However, where there is furniture intended to remain outside these should be securely fixed to prevent them being moved or used in the commission of an offence.

Lighting within the public realm areas must be lit to the standard of BS5489-1:2020, so to promote a well-lit area with even lighting, which generate a sense of safety and reduce feel of crime especially with the Terraced Steps, this is in the interest of designing out crime, especially when considering the government's strategy for Violence Against Women and Girls (VAWG) The lighting should also be compatible with CCTV and the landscape plan.

A clear management and maintenance plan should be in place to ensure that the proposed planting and trees are regularly maintained to prevent them impacting on lighting, CCTV or creating pinch points which could be used by potential criminals.

The landscape plans show little alcoves areas for seating, which some may be potentially out of sight, this is a concern from an anti-social behaviour perspective and could allow for other criminality to happen. It is appreciated that seating is required if the stepped street is steep however this should be designed to have open sight lines to deter such behaviour. It should also be noted that Torquay has had issues with congregation points either due to too much seating, or informal seating (low walls as an example) which has led to anti-social behaviour and an increase in fear of crime. I understand the proposal is for the seating to take in the views and focal points, this needs to be carefully considered, so not to allow for illegitimate use and result in congregation points which can attract anti-social behaviour. Consideration should also be given to the seating design to prevent large groups from congregating.

Having consulted with our Counter Terrorism Security Advisors they have said that robust means of preventing vehicles entering pedestrian areas needs to be included, with bollards at the foot of the ramps and adjacent to the glazed entrance to the rooftop bar. The road crossing should similarly have some means to prevent hostile vehicles diverting off the carriageway to threaten pedestrians.

Any such measures should be appropriately impact rated to a recognised standard. It would also be recommended that vehicle mitigation measures are considered for the drop off areas to protect pedestrians.

Conditions

I would ask that the following conditions are in place should planning permission be granted:

- That the measures included within the section titled crime prevention in the design access statement are conditioned.
- The lighting of the public realm area meets BS: 54859:2000 standard.
- Hostile Vehicle measures are included in line with the Counter Terrorism Security Advisors advice.

These are requested in line with the Torbay Local Plan Policy DE1, section 4, and NPPF namely section 96 b.

Devon & Cornwall Police Designing Out Crime Officer (updated response dated 24/08/2026):

We are trying to go through and see what has changed with the NPPF. In terms of this specifically for the site, I am content we have covered this off with the advice we have given generically, whilst not being specific. We have covered the risk of Counter Terrorism threats with the advice regarding Marytn's Law/Protect Duty and with the hostile vehicle measures which is what I have interpreted Policy P5 to refer to.

Having reviewed the plan the bollards appear to be in suitable locations, my only caveat would be that these are no more than 1.2m spacing between each bollard. The standards of the bollards being installed would be useful but can wait till later stages.

SWISCo's Senior Tree Officer (updated response dated 16/07/2026):

Officer Decision

No objections on arboricultural grounds.

Further technical design and specification for hard and soft landscape elements required.

Application Appraisal / Findings

The application is supported by a BS5837 appraisal of the trees where present within the application area. I am in agreement with the categorisation of the trees as being low-quality.

The development proposes the loss of all the trees within the application area. Given the low-quality of the trees and their limited contribution to the setting of the Conservation Area, mitigation through replacement planting is a reasonable way forward.

The design and access statement includes (Sec 8) the illustrative green infrastructure strategy for the site. In general, this is well thought out as a concept and should deliver high-quality urban greening in both private and public realm elements. The comments below reiterate and expand on those provided in the initial development enquiry.

The proposed soft and hard landscaping indicates a consistent theme of layout and permeability, with planted elements which reflect the local environment and exotic planting themes associated with Torbay and its coastal climate. I am supportive of this approach.

Opportunities may exist to compliment the existing planting within the public realm on the Strand, utilising Chusan Palms and or pollard specimen trees in the active frontage and street scene. Trees within planters or incorporated within below ground planting pits must have adequate soil rooting volume designed into the scheme, appropriate for any species choice. Irrigation of tree pits may form part of a sustainable urban drainage scheme and may assist with the management of rainwater attenuation.

The indicative planting within the terrace steps is considered and reflects the local conditions and likely change in light levels. My only query relates to the rain garden element, which if designed into the layout will require detailed integration into drainage systems to ensure it has adequate irrigation and drainage capacity.

Any proposed tree planting must ensure that the proposed species have access to sufficient soil rooting volume to ensure the trees achieve their species potential. This may require

engineered soil crate systems within any hard landscaped surrounds as part of the detailed design, and should be integral to the design process and not an afterthought due to the issues of retrofitting. Soil crates must be able to tolerate any predicted loadings from future use of the space, including street cleansing machinery.

Trees may also create future conflict if they obscure views currently afforded from properties on The Terrace, therefore careful positioning and species choice will be required.

Recommendations

If planning permission is granted for the proposed development, a suitably worded planning condition should be applied requiring the specification for the hard and soft landscape elements of the project, including their integration into a sustainable urban drainage system for surface water management.

Maintenance and aftercare should be clearly specified for a minimum of five years, with the objectives of management clearly set out.

Where any trees or soft landscape areas reside within the public realm to be maintained by the council / Swisco, commuted sums to cover the expected costs and any contingencies should be prepared and agreed.

SWISCO's Green Infrastructure Manager (response dated 24/07/2026):

I have taken a look at the proposal and reviewed the tree officer comments. There is little room over and above the recommendations by the tree officer and am satisfied that the landscaping of the site is being accounted for given the site constraints.

There remains the query of management and maintenance of what will be public realm once the development is completed but am happy to discuss as we progress through.

English Riviera UNESCO Global Geopark Coordinator (response dated 27/07/2026):

Having looked at the Wildlife and geology trigger table I have noted that Part C 1.b indicates that the application is on or near a potential geological feature (e.g., a quarry, cliff face, cave, rock exposure or cutting), or would expose a new geological feature.

Within Torbay there are eleven geological SSSIs and sixteen RIG Sites. The planning application is not relevant to an existing designated site.

It is known, however, that a number of sites of geological significance currently remain undesignated and unprotected, and these could be in the form of an old quarry, cliff face or cutting. In addition, sites subject to coastal erosion on the foreshore or cliff face may be affected by some activities. Additionally, new works or road cuttings may temporarily or permanently expose new sites of significance.

It is not clear if any geology is exposed at the back of the site at present. If that is the case, in line with the English Riviera UNESCO Global Geopark Briefing Document for Planning, please can the requirement of a geology report be included as a planning condition to include all aspects as outlined.

Equally, please can I ask that if no geology is presently exposed but becomes so, either temporarily, or permanently, as a result of the works that a geological assessment of the exposures take place to ensure any features of significant geological interest or value can be identified, recorded and a report provided so that the site can be considered and appropriately managed.

Should a geological report be required please can that be shared with the Geopark.

Torbay Council's Conservation and Urban Design Officer (original response dated 03/08/2026):

The proposal comes following pre-application discussions and Design Review Panel review.

I have reviewed the submitted documents and visited the site and have the following comments in response to this proposal. The response is set out in two sections:

- 1) Impact on heritage assets; and
- 2) Comments on the proposed design.

Impact on heritage assets

Generally

Clearly the proposal includes large amounts of demolition of existing buildings within the Torquay Harbour Conservation Area, some of which have been identified as positive contributors to its special interest. The buildings and structures identified as being positive contributors can be considered to be Non-Designated Heritage Assets (NDHAs). The proposal will result in total loss and therefore substantial harm to these NDHAs. The loss of these buildings from the Conservation Area will, in principle, result in less than substantial harm to the Conservation Area. This level of harm is in addition to any further harms to other heritage assets and their settings.

In apply the planning balance you should consider the predicted public benefits and weigh these against any harms to heritage assets, considering their comparative significance, the impact on that significance and the benefits to the place itself an/or the wider community or society as a whole.

Further commentary is provided below specific to each of the directly affected buildings.

8 The Strand

The proposed roof level extension would result in significant loss of fabric whilst also presenting avoidable issues such as the uncharacteristic use of glazing within the roofscape and the sheer expanse of flat roofs this would introduce, which are also visible from The Terrace. The roof of No.8 would be covered in a sedum blanket, reducing the expanses of exposed membranes. However, this nonetheless results in the loss of the traditional materials and character of the existing roofscape.

The external implications of the proposed MEP equipment are not currently shown on the submitted drawings. In particular, the MEP contractor's planning statement refers to vents and ducts serving the ground-floor extraction equipment within No.8, including "external ductwork rising no less than 1m". Other external equipment may also be required, although

this is not currently clear. The drawings should be updated to accurately reflect these elements of the proposal.

It is not currently clear if the roof proposed for No.8, or the roofs generally throughout the development, would require any guard rails for maintenance. Such protection measures would further add to the visual impact of the roof level extension. Clarification is required on this element.

The green roof introduced lacks any meaningful ecological potential. Given the severe loss of historic fabric the third-floor level extension would result in a green roof that would add a greater ecological impact or increased biodiversity would have more meaningful impact. Further work should be undertaken to improve this element if it is to be retained.

The integration of this building into the wider proposal would result in loss of special interest after being homogenized into a larger building complex, with a significant loss of original features and historic elements both internally and externally.

Demolition elevations plans must be updated to accurately reflect the extent of demolition in the front elevation, taking account of the proposed demolition of the Edwardian door, service entrance and passage behind.

The proposed third-floor extension would extend beyond the height of the existing gable, introducing glazing, illumination and animation within the roofscape, something which is currently an uncharacteristic feature. The design maintains a sense of verticality with strong floor-to-ceiling mullion features.

As indicated in previous advice, there remains questions regarding the appropriateness of the inclusion of this building within the scheme more generally given the works to amalgamate it into a larger building complex would be so invasive and result in a multitude of impacts on No.8's significance.

It has not yet been clearly demonstrated that the impacts on No.8 arising from the quantum of development have been reduced to a minimum consistent with achieving the objective. In particular, it has not been demonstrated that the five additional bedrooms requiring demolition of the roof are necessary in this location, or that they could not be accommodated elsewhere within the scheme or removed from the overall bedroom total.

10-11 The Strand

The existing condition of these buildings has suffered due to the closure of the department store and a lack of maintenance since. Their aesthetic qualities could be readily improved, providing enhancements to both themselves and the CA. Further investigative works could be undertaken internally to seek out any surviving details currently concealed by the shop fixtures and fittings.

The complete demolition and total loss would result in substantial harm to NDHAs which must be considered in the overall balance as per para 216 of the NPPF. The loss of their evidential value would be harmful to the CA as a clear indication of its historic origins, demonstrating the development of the harbour area over time.

The proposed commercial spaces on the ground floor do not reflect the elevational detail. Internal spaces are stark expanses far beyond the established grain of the area. There are likely to be challenges with occupation of such a large volume, as evidenced locally in vacant commercial space.

12-14 The Strand

The Conservation Area Appraisal identifies the former Debenhams buildings as an opportunity for enhancement. The proposal would increase the overall aesthetic quality of this element of the site, albeit following widespread demolition.

The uncharacteristic use of glazing at high level appears at odds with the “Mediterranean” style building that sits beneath. The heavily glazed roof bar appears overly large, with too great a presence at high level. The scale of this floor should also be reconsidered, ensuring it is as recessive as possible and balances its visual impact with its function. Strongly consider reduction to set it further back. Consider the ratio of external vs internal space in order to achieve the required set-back. Generally, the building appears too tall considering the chosen design style(s).

The improved detail of parapet reduces perceived bulk of mansard by a slight degree. However, the proportions remain at odds with the traditional typology referenced. The fenestration and proportions of this building are odd, with diminishing then increasing opening sizes, lacking coherence. This has been previously identified, with an absence of narrative to demonstrate how this responds to the historic building typology the design seeks to respond to.

The interactions with the adjoining building, 15 The Strand, require further clarity and refinement given the sheer increase in building height. The topography of the area will enable views of this junction/transition so it is imperative it is resolved with due consideration. Visualisations would be beneficial to demonstrate that the two adjoining buildings sit cohesively.

As per the comments above, the location of any roof mounted plant, air handling, vents, ducts and grilles must be added to the proposed plans for accuracy.

Canopy

The existing canopy and columns would be removed from the streetscape entirely. These are identified as positive contributors to the Conservation Area, with a great deal of community interest. There is an absence of commentary regarding its qualities or justification for its loss beyond its absence from a previous proposal.

Impact on setting of heritage assets

The submitted heritage statement identifies the impacts of the proposal on the surrounding heritage assets with a pink, orange, green grading system, similar in format to a traditional “RAG” rating system (red, amber, green).

The improved visual quality of built form and public realm are likely to result in minor enhancements to the setting of the identified heritage assets. However, the increased scale,

massing and the extent to which the proposal would obscure views currently afforded from various points around the harbour area would result in minor adverse impacts on setting. The greatest impact individually would be to those views afforded of Higher Terrace as highlighted in the submitted heritage statement. Collectively, the proposal would result in a loss of sense of evolution of the harbour-side area over time and its response to changing trends within the town.

Design

Generally

The redevelopment of the part of the site would result in an improved visual condition, albeit by way of extensive demolition. Assurance of a high-quality development without dilution of material quality or execution is critical given the exposed and highly visible location and the impacts on the townscape which includes designated heritage assets.

The proposed design style would add to the character of the Conservation Area, through its use of historic grain and design language. However, as highlighted in the response to the pre-application enquiry, there is currently an absence of substantive narrative regarding the building style change halfway up the steps. This appears quite generic and requires further justification and narrative to demonstrate its response to context. The overall quality of the proposal should not be diluted.

The proposed set-up and back from the established ground floor level in order to tackle issues with surface water flooding while uncharacteristic for this location, its combination with improved public realm works is successful and a significant enhancement compared to the existing plain expanses of pavement.

As per the pre-application advice previously provided, the quality of the drawer type balcony at No. 10/10A would benefit from refinement, as currently it appears contrary to the style of the building below with a bulky appearance.

Activating the roofscape with balconies at 7 and 8 The Strand requires careful consideration. Such activation at high level if not monitored and controlled can result in these areas becoming unsightly and detracting from the aesthetic value of the building.

Further work should be undertaken to improve the rear elevations given their visibility and interaction with The Terrace as it appears quite generic in its current form.

Cycle storage internally appears to be in a challenging location in terms of its functionality and accessibility. Difficulties in accessing the storage area will create a barrier to use. Consideration should be made for many types of cycles, with sufficient space to manoeuvre easily. Corridor and door widths may need to be larger to accommodate this, in addition to consideration for the method and style of door opening.

Key views.

Long distance views from points around the harbour have been provided but there are limited detailed views from points within the new public realm area of The Strand. The proposed built form and massing restricts and obstructs views of the Higher Terrace behind as demonstrated

in the design and access statement. This is most evident due to the contrast in building heights existing and proposed at 10-11 The Strand.

The principal imagery, and worked-up artistic impressions/visualization, showing the proposal in context is taken from positions that limited pedestrians will have the ability to experience, i.e. from the pontoon within the inner harbour.

There is a lack of imagery and visualisations showing the building in the context of its neighbours at both ends. Given the significant change in height, it is important to view this relationship in three dimensions. Additional imagery would be beneficial.

The rear of the building(s) appears poor and lacks interest, appearing generic. The views from The Terrace would afford views of the rear and roofscape.

Views from this area should be provided as they are currently absent. It is imperative that any visualisations accurately reflect the proposal, and that any plant equipment and PV arrays are included in the visualisations so that their impacts can be understood.

Steps

This is a particularly positive aspect providing a meaningful and inviting connection between the Harbour and The Terrace. This element also helps to re-introduce visual connectivity between The Strand and Higher Terrace, which would be lost due to the scale and mass of the proposal.

It is currently unclear if the steps form part of the adopted highway network as they would be located over and above elements of the development? Who is responsible for maintenance, planting, lighting and access of this space?

Consideration of the light levels afforded to this space is vital as this would either prevent or encourage its use. Lighting in close proximity to bedroom may also result in conflicts between users. The tight nature of the opening created in forming the steps in combination with the height of the proposed buildings either side is likely to limit light levels and ultimately the attraction to use this space.

The steps provide a natural crossing point and would appear to work cohesively with the public realm in the harbour area. There does not appear to be either a controlled crossing or pedestrian priority crossing (zebra) where it meets the Highway or a reduction in speed limit suggested to improve the safety of pedestrians. Currently, the proposal includes a "Potential crossing". I suggest further detail is provided on this.

Landscaping

The proposed landscaping works are generally positive providing a significant uplift from the existing situation. In particular, the pockets of landscaping created on the steps and along the Strand.

The scale of the proposal is to a degree softened by its landscaping and the inclusion of large trees in the imagery provided. It is important to ensure that the imagery provided truly reflects

the proposal so its impacts can be read transparently. The visualisations currently present an element of over-greening compared to the existing and proposed situations.

The reinstatement of the historic railings at the rear of the site is a meaningful inclusion. Small sections of historic examples appear to exist amongst other less sympathetic railings at the rear, with many being lost in the provision of parking spaces. Subject to the detailing and execution matching the remaining historic railings, their reinstatement would result in minor enhancements to be considered in the overall balance.

Cycle storage as shown on the proposed layout appears to obstruct the footway. The stands themselves present a much smaller than when cycles are locked to them. Sufficient space is essential to prevent conflicts and collisions between pedestrians and those using the cycle stands. Please confirm the remaining width of the footway with a typical cycle locked to the stands. You should be mindful of the site's location on a priority cycle route, as indicated in the LCWIP (Beaches Trail and Torquay Town Trail).

The materiality of the public realm scheme would appear to link with the recently completed public realm scheme at The Strand, providing contextual consistency.

Lighting in the imagery appears to be in a heritage style. If this is to be the intended approach it is important that reference is taken from any existing historic lighting in the area to ensure that this element is contextually appropriate and not a facsimile.

Seating areas adjacent to the loading bay are likely to impact the use and quality of these benches. Consider the permitted loading times in this loading bay so that the quality of the pedestrian experience is not undermined.

Conclusions

The proposal responds architecturally to the Conservation Area in addition to the delivery of a high-quality, unique public realm proposal that maintains a sense of place.

The wider regeneration ambitions of the proposal are clear, although there will be a significant loss of townscape to facilitate this, resulting in harm to designated and non-designated heritage assets. This has been assessed to be of a high level of less than substantial and substantial harm respectively. The proposal includes minor heritage enhancements, although these are not of a scale that overrides the level of harm caused by the proposal. This high level of less than substantial harm should be considered in the overall planning balance against the public benefits of the proposal.

Notwithstanding the above, the application requires the submission of further information and revisions to accurately understand the implications of the proposal. These must be resolved as a matter of urgency. Where this is the case, further evidence and justification are required as highlighted in the sections above, demonstrating that harm has been reduced to a minimum.

In light of this, I recommend that the application is not determined until further information has been provided as above to provide the information necessary and to resolve the concerns raised above. Conditions to be discussed following the receipt of additional information.

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

Torbay Council's Conservation and Urban Design Officer (updated response dated 08/09/2026):

The comments below should be read in conjunction with those provided in response to the accompanying application for listed building consent (P/2026/0238).

The proposal has been minorly revised in response to comments previously provided.

The updated visuals are useful and aid in demonstrating how the development is likely to be viewed from additional vantage points. The minor amendments to the landscaping including the inclusion of the pedestrian crossing and omission of the cycle parking obstructing the footway are welcomed. However, it is disappointing that public cycle parking should be removed from the proposal entirely. Accommodating for cycle parking elsewhere within the public realm should be considered.

Beyond these changes there appear to be no further amendments to the proposal, other than the anomalies in the submitted drawings which have now been addressed. The remaining points raised in the previous response still stand and can be summarised as the following:

- The proposed roof level extension at No.8 The Strand.
- The method of integration of No.8 into the wider scheme, including the extent of demolition.
- The quantum of development and the
- Total loss of 10-11 The Strand.
- Presence of the roof level bar at 12-14 The Strand.
- Order of the elevation at 12-14 The Strand.
- Extent of flat roofs visible from Higher Terrace.
- Loss of canopy columns, although these might be repurposed.
- Scale of development and the extent the development would obscure The Terrace behind.
- Detailing of balcony at 10/10A.
- Functionality of cycle storage deep within the building. A good level of provision for staff but the awkward nature of its location may detract from its use.
- If the future operator is to be responsible for maintenance of the stepped street, including the lighting, it is important that the lighting maintains public safety akin to that of street lighting.
- It is not clear if there would be any additional street infrastructure requirements (lighting meter boxes, telecoms etc), wayfinding. The absence of a strategy would likely impact the intended design quality of the spaces created. This is key to prevent pavement clutter and impacts on design quality and negative user interactions.
- Integration of the existing canopy columns in the lighting proposals is welcomed, although it is clear that further work is needed to establish if this is at all possible.

Conclusions:

The proposal responds architecturally to the Conservation Area in addition to the delivery of a high-quality, unique public realm proposal that maintains a sense of place.

The wider regeneration ambitions of the proposal are clear, although there will be a significant loss of townscape to facilitate this, resulting in harm to designated and non-designated heritage assets. This has been assessed to be of a high level of harm and substantial harm respectively. The proposal includes minor heritage enhancements, although these are not of a scale that overrides the level of harm caused by the proposal. This high level of harm should be considered in the overall planning balance against the public benefits of the proposal.

Whilst the proposal would deliver some heritage benefits, I consider the proposed works would result in high level of harm both to the Conservation Area and No.8, in addition to low levels of harm to the setting of the surrounding heritage assets. The harm identified must be balanced against the public benefits that the proposal would deliver.

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

I note the determination of this application is likely to be a finely balanced decision and without prejudice to the above comments, I would recommend that if you are minded to grant consent then the following conditions are necessary.

It is vital to ensure that the phasing of the wider scheme is carefully considered to ensure that the justification put forward by the applicant for the harmful works can truly be realised.

Recommended conditions:

1. Assurance of build
2. Phasing.
3. Building recording.
4. Schedule of works (inc repairs) and timetable. (No8)
5. Demolition Method Statement including structural report for adjacent buildings.
6. Condition of stepped street maintained
7. Hidden historic features. (No.8)
8. Restorative works to front elevation (No.8)
9. Matching details.
10. Railings and boundary treatments
11. Joinery details
12. Wayfinding and signage strategy
13. Pedestrian crossing
14. Cycle storage
15. Materials
16. Rainwater goods
17. Boundary treatments inc. railings.
18. Public seating
19. Lighting design and strategy
20. Associated infrastructure in the public realm
21. Hard and soft landscaping detailing inc. planting schedule.
22. Solar panels

**Devon County Council's County Archaeologist & Historic Environment Manager
(response dated 23/07/2026):**

The proposed development impacts upon the Grade II Listed Royal Bank of Scotland, 8, The Strand built in 1893, involves the demolition of 10 and 11 The Strand, former fishermen's cottages dating to the late 18th century and lies adjacent to the Inner Harbour constructed between 1803-06 (List Entry No. 1218852). The submitted desk-based archaeological assessment submitted concludes that there is some potential for archaeological remains to exist at the site - relating to the development of the existing harbour including land reclamation activity and earlier building phases shown on historic mapping. As such, groundworks for the construction of the proposed development may expose and destroy archaeological and artefactual deposits associated with the post medieval development of the existing harbour. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate and record the archaeological evidence that will otherwise be destroyed by the proposed development.

I recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by your authority, advised by the DCC Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination I advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and Policy SS10 of the Torbay Local Plan 2012-2030, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason: *'To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012-2030 and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'*

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, I advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and

archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason: 'To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I envisage that a suitable programme of work would be staged, commencing with the archaeological monitoring of geotechnical investigations, and/or the excavation of archaeological evaluation trenches or test pits. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

My comments relate to the archaeological potential of the site. The submitted Heritage Statement also considers the impact on the historic buildings within the site and suggests that a programme of historic building recording would be appropriate and could be secured by condition. I agree with this conclusion, but defer to your historic buildings colleagues in this respect.

Council for British Archaeology (original response dated 16/07/2026):

Summary

The CBA broadly support the regeneration of this central historic location within Torquay, but recommend that the current plans are revised to reduce the impact on the character, appearance and heritage of the townscape.

Significance

The site sits at the head of Torquay's historic harbour. This harbour, originally a natural feature, has been central to the town's economic and geographical development since the early medieval period. While the harbour and piers primarily served fishing communities and the transport of goods until the nineteenth century, the boom of seaside tourism in the Victorian period saw Torquay expand rapidly and the focus of the harbour and seafront shift to primarily leisure uses by the twentieth century.

Within the development site, early maps show narrow domestic plots along the Strand, with open space to the rear, characteristic of historic urban dwellings. Many of these plots were later amalgamated and redeveloped in the nineteenth and twentieth centuries to allow for new larger commercial structures reflecting the new status and popularity of the seafront location. However, nos 10, 10a, 11 and 11a remain from the historic eighteenth-century terrace, and their modest scale and regular appearance reflects this earlier phase of Torquay's history. To the interior, these buildings retain historic fabric including elements of their domestic plan form, chimney breasts and blocked window openings. While too altered to qualify for national listing, the CBA would classify this terrace as a Non-Designated Heritage Asset (NDHA).

No. 8 was constructed in the late Victorian or Edwardian period as a purpose-built bank, and has the characteristic impressive façade of commercial buildings of the period. Its red-brick neo-classical frontage makes a strong positive contribution to the varied character of the Strand and illustrates the economic success and social status of the town in the early twentieth century. No. 8 is Grade II listed, in recognition of its architectural and historical significance.

No.s 12-14 the Strand contains a number of phases of historic development, including late Victorian shop front to no. 14, a long decorative cast-iron canopy from around the inter-war period, and 1960s alterations which mimic the regular, light-coloured appearance of the earlier section. While no.s 12 and 13 are largely reconstructed and mainly of modern fabric, historic fabric from the first phases of the building survives within no. 14. The stepped façade, limestone cladding, and elegant canopy structure sit well within the mix of styles of this area of the townscape and help to define the way the town is appreciated in views from the seafront.

Later buildings within the site include no. 9 the Strand, which was constructed on the plot of two former cottages in the post-war period in a largely utilitarian style, and no.s 43, 45, 47 And 55, 57, 59 The Terrace, which were constructed in the early-mid twentieth century and are accessed from the upper-level road to the north of the site.

The legible phases of evolution within the site and varying architectural styles serve to illustrate the town's economic and social development over past centuries. The site is central to the way the Torquay Harbour Conservation Area is viewed and appreciated from key views, including from the historic harbour, Fish Quay and Pier, and from Waldon Hill looking towards the harbour.

Not all the buildings on site make a strong positive contribution to the Conservation Area's character and appearance, but the irregular appearance of the buildings demonstrates the historic development of the area and the low-medium height of the buildings on site allows the stepped development around the slope to the harbour to be viewed. The listed building at no. 8, the canopy of no.s 12-14, and the modest scale and narrow plots of no.s 10-11a all make a positive contribution to the character and appearance of the Conservation Area.

Comments

The CBA note that this area of the town is in need of regeneration, which would have a public benefit. We have the following recommendations to help develop a scheme which minimises any harm to the character of the area, ensuring that the development makes the 'positive contribution to local character and distinctiveness' recommended by para. 210 of the NPPF.

No.s 12-14 The Strand

While our preference would be for the retention and adaptive reuse of historic structures, which retains some of their historic significance and reduces the carbon cost of development, we recognise that no.s 12-14 have been extensively altered. We also note that permission was granted for the demolition and redevelopment of Nos. 12-14 in 2023 (application ref: P/2022/0806), and therefore have no objection to this aspect of the scheme.

However, we are concerned that the design of the proposed new building on this section of the site is overtly modern and uniform, creating a large, blocky appearance which is a marked contrast with the existing character of the site and the wider Conservation Area. The increased height of this section of the site, particularly the significant increase in height above the existing stepped-down section of no. 13, would be a significant obstruction in views to the Grade II listed Regency buildings of Higher Terrace. This terrace has an elegant white frontage with sash windows and a cast-iron balcony, and makes a strong positive contribution to the Conservation Area. The terrace is currently visible above the existing seafront buildings in views from around the harbour, but the proposed new development would significantly increase the height of the Strand buildings, obscuring views from many angles. While the current Debenhams building also sits comfortably within the scale of adjacent buildings, including the Grade II listed no. 16 the Strand, the proposed building would be dominant adjacent to no.s 15 and 16.

Overall, we consider that the new development proposed for no.s 12-14 the Strand would cause harm to the character and appearance of the Harbour Conservation Area and to the setting of the listed buildings of the Higher Terrace and 16 the Strand. We consider that this harm could be much reduced if the height of the proposed structure were reduced by a minimum of one storey, and the design altered to a more varied frontage which better reflects the historic development and character of the harbour. In its current form, we do not consider that this aspect of the proposals meets the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, or paras. 212 and 213 of the NPPF, due to the avoidable harm which would be caused to the character and appearance of the Conservation Area.

No.s 10-11a The Strand

The existing buildings at nos. 10-11a the Strand are the last surviving elements of the modest fishermen's cottages which once occupied the whole street. These have clear historical and evidential value as a record of the town's historic development and the harbour's function and make a positive contribution to the character of the Conservation Area. While much altered, their scale, regular appearance and surviving historic fabric have significance. Moreover, within the wider setting of the Harbour Conservation Area, this lower-height section of terrace contributes to the sense of variation and phased evolution and allows a sense of openness and an appreciation of the geographical and architectural context of the Higher Terrace and slope above.

The CBA would prefer to see these buildings at least partially retained, with additional development at the rear sections of the terrace allowing for intensified use of the sites while retaining the stepped heights of the slope. This would reduce the harm caused to the evidential and historical character of the site and the character and appearance of the Conservation Area, and avoid the loss of the embodied carbon within the historic structures.

The demolition and replacement of these structures would cause substantial harm to the surviving eighteenth-century terrace NDHA, and harm to the Conservation Area. Under paras. 213 and 215 of the NPPF, your local authority should be satisfied that the demolition of these buildings has 'clear and convincing justification' and that the substantial harm is outweighed by the public benefit of the proposals.

Should your local authority be satisfied that these requirements have been met and that the demolition of no.s 10-11a is justified, the CBA recommend that the scale of any new buildings fronting the Strand is reduced to retain key views to the Higher Terrace and to the Grade I listed Parish Church of St John. Although the proposed new stairway would permit some visibility of the upper levels of the slope in views from the Strand, the narrow width of this would significantly restrict visibility in comparison to the existing wide views above the eighteenth-century terrace. The proposed buildings would also be overly tall within context of the Strand, which currently rises consistently to a height of around three to four storeys or lower.

The CBA welcome the variation between plots in the proposed development on this section, which reflects the historic development of the terrace and the character of the Conservation Area better than the uniform frontage proposed for no.s 12-14. However, we consider that the scale and massing of the proposed new buildings would cause harm to the setting of the listed buildings at no. 8 The Strand, Higher Terrace, and the Church of St John, and harm to the Conservation Area. As this harm could be mitigated through the reduction in height of the proposed new buildings, we do not consider that it has the 'clear and convincing justification' required by para. 213 of the NPPF.

We recommend that this aspect of the proposals is revised, either to retain the existing terrace with some proportionate additional development on site, or (if demonstrably required) to reduce the height of the proposed new development in this area.

No.s 7 & 9 the Strand

The CBA have no objection to the replacement of the post-war building at no. 9, which does not have a high level of architectural or historical significance.

However, we would prefer to see the height of the proposed new building reduced to maintain the existing consistent street façade height from no.s 7 to 9, allowing the decorative frontage of the Grade II listed building at no. 8 to retain its prominence.

We support the cleaning and repair of the façade of no. 7 the Strand. While the existing canopy to the front is in poor condition, the age and significance of this have not been assessed in the submitted Heritage Statement, and it is unclear whether this is a historic feature which should be retained. We request that additional information is provided regarding this feature; if it is of historic significance, additional justification should be provided for its removal.

On the basis that the adjacent building at no. 6 is taller than its neighbours and that the proposed upwards extension would be set back from the street façade, we do not object to an additional storey being added to no. 7 the Strand.

No. 8 the Strand

The CBA support the retention and adaptive reuse of the Grade II listed building at no. 8 the Strand. However, we are concerned about the extent of the proposed demolition of the listed building, including the historic staircase, the entire roof structure, and the rear rooms and all the rear external wall above the ground floor; in total, around 50% of the existing building.

We do not consider that the extent of the proposed demolition is adequately justified within the submitted documentation. There would be clear harm to the listed building through the loss of the historic floor plan, fabric, and architectural detailing. This element of the application does not meet the requirements of paras. 212 and 213 of the NPPF.

In addition, we consider that the height and verticality of the design of the proposed upward extension is unsympathetic to the architecture of the listed building. The neo-classical frontage has a characteristic proportionality in which the size of the fenestration on each storey is reduced compared to the storey below, reflecting the relative importance of the ground and first floor spaces. The large areas of glazing and tall, narrow subdivisions of the proposed new top storey fails to respect this rhythm and has an unduly negative aesthetic impact on the listed building.

The proposed upward extension would also sit awkwardly behind the decorative tympanum which currently sits with intentional dominance in the street scene. While set back from the current façade, the upward extension would nevertheless be clearly visible in views from the harbour and pier. In its currently proposed form, the upwards extension would harm the building's architectural and historical character.

A more sympathetically designed extension, such as a mansard which reflects the character of the High Terrace behind and the historic nature of the listed building, would be a more suitable alternative option.

While the existing lift tower to the rear is modern, and we do not object to its demolition, its narrow width and the decorative detailing of the roof structure allows for this higher element to sit comfortably within the context of the buildings on the Strand, reflecting the eclectic and elaborate architectural styles of many earlier seafront buildings. We do not consider that this element should be taken as a precedent for the height of a more solid or overly modern new structural block, such as the one proposed to the rear of no.s 10-11.

No.s 43-47 And 55-59 The Terrace

The submitted Heritage Statement provides minimal information and no images of these mid-twentieth century buildings, and therefore their significance and character is hard to assess. We do not consider that the information provided regarding these buildings meets the requirements of para. 207 of the NPPF.

As they are more recently constructed than other structures on site and they are largely hidden in the street scene due to the sloping topography of the site, their loss is unlikely to cause a high level of harm to the Conservation Area. However, the modest scale of the existing buildings and the use of traditional building materials and architectural detailing (such as the tympanum on no. 57) ensures that they sit subserviently to the street frontage, and do not detract from the setting of the Higher Terrace and the Church of St John.

The proposed new building to the rear of the Strand would be significantly larger and more prominent, obscuring views from the Strand and harbour to the Higher Terrace and the Church of St John. We strongly recommend that the scale of this structure is reduced to respect the stepped upward development of the historic buildings on the slope and reduce the harm to the Conservation Area.

In its current form, we do not consider that this aspect of the proposals meets the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, or paras. 212 and 213 of the NPPF, due to the avoidable harm which would be caused to the character and appearance of the Conservation Area.

Recommendation

The CBA recommend that this application is withdrawn and that a revised scheme is prepared, which takes a heritage-led approach to minimise the harm caused to the character and appearance of this prominent and historic area of Torquay, and which maximises the public benefits of place-shaping and economic benefit which result from heritage-led regeneration schemes.

In particular, we recommend that where possible, existing historic structures are refurbished and reused, and that new structures should be of a scale, massing and design which reflects the varied, eclectic character of the harbour front and which allows prominent historic buildings to remain appreciable in the street scene.

In its current form, although we support the regeneration of the site, we do not consider that the proposals adequately justify the level of harm which would be caused to the character and appearance of the Torquay Harbour Conservation Area, the listed building at no. 8 the Strand and the Non-Designated Heritage Assets at nos. 7 and 10-11a, and the setting of listed buildings: Higher Terrace; the Church of St John; and 6 the Strand. We therefore do not consider that the application meets the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, or paras. 207, 212 and 213 of the NPPF. If the application is not withdrawn or revised in line with our recommendations, we recommend that it be refused.

Council for British Archaeology (updated response dated 09/09/2026):

For a full assessment of the site's heritage significance and detailed comments on the proposal, I refer you to our previous letter (dated 16 July 2026).

The applicants have submitted a response to the heritage advice received, although the proposals have not been revised to address the concerns raised.

The heritage advice given on this application and at pre-application stage by Historic England, your local conservation specialists and the National Amenity Societies has consistently advised that the height of the current proposals will be harmful to the Conservation Area, will change the character of the harbour, and will block key views from the historic town and the seafront. This will have a negative effect on the character and appearance of the Conservation Area, particularly affecting the way the historic stepped townscape is experienced from the harbour. This particularly applies to the increase in massing for the new structure at 12-14 The Strand, which would sit above its neighbours and be significantly more dominant in the streetscape than the existing building, and the new buildings proposed for 10-11 The Strand, which would rise three stories above the current cottages.

Other heritage advice has focused on the harm which would be caused to the Grade II listed building at no. 8 The Strand. Currently the proposals are for extensive demolition to this

building, including the historic stair core and roof structure. Advice has also focused on the need to revise the design of the roof extension to sit more suitably above the historic building, as the extensive glass fenestration is out of character for the historic building and would cause harm to its historic and architectural significance.

Under para. HE6.3 of the NPPF, the harms which would be caused to the listed building and the Conservation Area are a matter of 'considerable importance and weight'.

The applicants have declined to revise their plans based on the feedback received, which is disappointing.

The massing of the proposed new structures is reportedly based on the need for a viable amount of hotel space. However, we have not been able to find a detailed financial viability statement and options appraisal among the submitted documents and so are unable to confirm that the harm caused to the Conservation Area through the construction of these large and prominent new blocks has been minimised as far as possible. We therefore do not consider that the application meets the requirements of para. HE6.1 of the NPPF.

We continue to recommend that the harm which would be caused to the Grade II listed building at no. 8 could be reduced through the retention of the existing rear stair core (instead of its replacement with a modern structure at an adjacent location) and through a more sensitive design of the rooftop extension which would be less visually jarring in the context of the neo-classical façade. As neither of these revisions will significantly affect the increase in floor space provided, these are unlikely to affect the viability of the wider scheme but would clearly reduce the harm caused to the listed building.

As the proposed plans have not been revised in line with the comments received from the CBA, Historic Buildings and Places, Historic England and your local conservation specialist, we are unable to support the proposals in their current form.

We strongly encourage the applicants to consider revisions to the design of the proposal to create a sensitive scheme which will enhance the character of the historic harbourfront in the long term.

The Georgian Group (response dated 04/09/2026):

I am writing in relation to the above application, with proposals comprising: Redevelopment including demolition of site and partial demolition and alterations to No.8 The Strand to form a hotel (Use Class C1) comprising a building of up to six storeys with rooftop bar / restaurant, ground floor commercial spaces (Use Class E(a) and (b)) along with public realm, highways works, infrastructure, landscaping and associated works. (See accompanying LB P/2026/0239).

This original consultation arrived (and expired) when I was on annual leave, but I see that the consultation period appears to have been extended, so I hope you will take these brief comments into consideration in your determination of this case.

In principle, the Georgian Group supports the regeneration of this historic waterside location and views that sensitive redevelopment could be welcomed. However, we consider that the

proposals should be revised to reduce their impact on the historic environment, and specifically we object to the demolition of Nos 10-11a The Strand, which are Non-Designated Heritage Assets, and identified as buildings of local interest that make a positive contribution to the significance of the Conservation Area.

Although this is a wide-ranging application with diverse heritage impacts, we focus our comments on these buildings, which are surviving elements of an historic eighteenth-century terrace, constructed by Sir Lawrence Palk in 1804. The Group objects to their demolition on the following grounds:

Their survival reflects an important earlier phase of Torquay's history, predating its development as a seaside resort during the nineteenth and early twentieth centuries. We agree with the application for listing (refused) which sets out that the original 1804 terrace was constructed to define and complement the new harbour — a key moment in the formation of Torquay as a seaside resort town. They represent:

- The earliest surviving harbourside architecture in Torquay.
- A physical and chronological anchor for the 80+ listed buildings surrounding the Harbour Conservation Area, nearly all of which post-date them.
- A distinctive urban narrative from 1804 to the present — which will be irrevocably broken if these buildings are lost.

From the early C19 Torquay grew in popularity as a holiday and health resort, and by the mid C19 the core of the town had significantly expanded with buildings catering for commerce and entertainment, with villas on the higher ground behind overlooking the harbour and bay. Facing immediately onto the harbour was The Strand, characterised by late-C18 two-storey cottages with ground-floor shops on a tree-lined promenade (including the buildings in question). In the late C19, the cottages to the south of number 11 were gradually replaced by grander three-storey commercial buildings. These are the last two remaining Georgian shops/buildings on the Strand, in Torquay's Harbour Conservation Area. Their legible features - modest scale, regular appearance and narrow plots- are characteristic of the historic urban harbourside dwellings that predated Torquay's leisure and tourism boom. They are rare survivals of the built typology of a time past, when the town functioned and thrived principally as a fishing harbour. Their rarity adds to their significance.

The buildings also retain historic fabric internally, including elements of their domestic plan form, chimney breasts, decorative plasterwork and blocked window openings. Although not assessed in the application, we are aware that there is internal moulded plasterwork which is particularly fine and detailed.

The Georgian Group would like to echo and reinforce the concerns raised by the CBA and others regarding the proposed demolition of these buildings. Nos. 10–11a The Strand represent the last surviving elements of the modest fisherman's cottages that once characterised the street. As such, they have clear historic and evidential value as a record of Torquay's earlier function as a busy harbour and of the town's historic development. The buildings make a positive contribution to the character and appearance of the Conservation Area. Although altered, they retain significance through their modest scale and appearance, surviving historic fabric, and their ability to provide physical evidence of the phased evolution of the historic terrace and harbourside.

Torquay's Conservation Area Appraisal states: The rich mixture of architectural typologies demonstrates the evolution of architectural fashion from the late 18th to the 20th centuries and lends significant visual interest and historic character. It follows demolition of early buildings would erode that interest and should be resisted. Local Plan policy SS10, 'Conservation and the historic environment' sets out that: Development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay. This includes all designated and undesignated heritage assets.

The Georgian Group therefore advises that the proposals should be amended to retain / re-use nos. 10-11a The Strand. Their demolition would result in the irrevocable loss of the surviving eighteenth century terrace, and Non-Designated Heritage Assets; and would cause harm to the evidential and historic character of the Conservation Area. As the application would result in the total and irreversible loss of heritage assets, the harm would have to be extremely robustly justified or outweighed by clear public benefits. Under HE7 para 3 of the NPPF (August 2026): Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

We do not consider there has been clear and convincing justification for this total loss of significance and there is insufficient evidence that alternative options for their retention have been explored. We strongly recommend that justifications for total demolition of heritage assets (designated or undesignated) should be founded on a clear demonstration that there are no possible viable options for the reuse of the existing buildings. We must therefore raise significant concerns that the applicant has not clearly demonstrated that the buildings as existing are unusable.

The Group further advises caution and recommends that the LPA is mindful of the potential for this case to set a precedent for future cases proposing total demolition of non-designated heritage assets, which would run counter to its Local Plan policies, and national policy and guidance.

We recommend that planning permission is refused for this case. Please keep us informed of further developments.

Environment Agency (response dated 23/06/2026):

We have no comments to make in respect of the proposed development. This consultation is inappropriate, and we did not need to be consulted because: National FRSA should have been applied.

Torbay Council's Drainage Engineer (response dated 12/08/2026):

I have now reviewed the submitted documents and, I can confirm that, providing the development is constructed in accordance with the site specific flood risk assessment, I have no objections on drainage grounds to planning permission being granted for this development.

SWISCo's Service Coordinator Waste Strategy (response dated 26/06/2026):

The above enquiry appears to be related to a commercial development, and therefore SWISCo will not handle waste and recycling collections, unless an arrangement is made with the commercial waste team.

It would be best practise to create a dedicated waste & recycling plan, including details on vehicle access and waste storage areas to ensure smooth operational phase collections with your commercial waste off taker.

It would also be best to refer to Simpler Recycling, building regulations H6 and the Segregation of Waste (England) Regulations 2024 if you have not already done so, to ensure compliance in the final plan.

WSP on behalf of the Highway Authority (original response dated 20/07/2026):Site Description

The site is located opposite Torquay Harbour at the southern end of Torquay town centre and lies within the boundary of Torquay Harbour Conservation Area.

The site is surrounded by a mix of commercial, leisure and mixed-use development, together with the surrounding public realm and heritage assets, including Grade I and Grade II listed buildings that contribute to the character of the area.

The site is bounded by The Strand to the south and The Terrace to the north, which form its primary points of access. There is an approximate 15m change in levels across the site between these two frontages.

The site benefits from good public transport accessibility, with nearest bus stops located on Cary Parade less than 50m from the site. Torquay Railway Station provides the nearest rail connectivity and is located approximately 1.5km west from the site.

Site History

P/2022/0806 - In January 2023, planning permission was granted which involved demolition of the main former Debenhams retail store located at 12-14 The Strand for the 'Redevelopment to create a mixed-use development, including 5 commercial, business and service units (Use Class E), 16 two bed residential apartments (Use Class C3), residents parking court and public square.

DE/2025/0180 - A pre-application was received in 2025 for the current proposals. The Highway Authority provided comments in November 2025 which outlined several elements which the applicant was required to address in a full application. Comments included the need for:

- A trip generation assessment
- Further information on crossing points
- Clarification as to how peak hour drop off movements will be managed
- Evidence as to how car parking demand will be managed (i.e. Travel Plan)
- Tracking drawings for servicing and emergency vehicles

Policy

The Transport Assessment details the necessary and relevant Policy, which includes NPPF, Devon and Torbay Local Plan, Local Transport Plan 4 and the Torquay Neighbourhood Plan.

Traffic Impact

Trip Generation - The pre-application comments recommended the applicant provided a trip generation assessment to support the full application. In chapter 7 of the now submitted TA, the applicant has provided trip rates derived from TRICS to compare the existing use to the proposed use. A technical note has been provided which shows the full TRICS outputs. The Highway Authority question whether a net reduction in trips will realistically occur at the site when compared to the pre-existing use, as it's likely that previous trips for the site were attached to other trips, i.e. not standalone visits as would occur for the hotel. Nevertheless, trip rates show a worst case of 67 total vehicle trips occurring from the development in the PM peak. Based on these trips not directly accessing the hotel, but utilising nearby car parks, these trips would dissipate within the surrounding area and would not be anticipated to significantly impact the local highway network.

Highway Safety - The TA has provided collision analysis between 2020-2024 which showed 10 casualties during the assessed period. Only one serious collision was recorded and this was located at the Torwood Street / Parkhill Road signalised junction. Based on this analysis, no significant highway safety issues are present in vicinity of the site. The applicant also further notes that recent public realm improvements on The Strand further improve road safety in the area. The Highway Authority are satisfied with the approach.

Design Considerations

Pedestrian Access - Pedestrian access to the site is via The Strand to the south and The Terrace to the north. A stepped connection is also proposed through the centre of the site connecting The Strand with The Terrace. A new pedestrian crossing location is also proposed on The Strand immediately outside of the hotel entrance. Drawing 25_3671_ENG_10 shows suitable pedestrian visibility can be achieved.

Cycle Access and Parking - Private cycle parking is proposed in the rear of the ground floor, with access appearing to be from a stairwell directly onto The Strand. External cycle parking is proposed in the Terrace Courtyard, and at existing cycle stands located on The Strand. The Transport Assessment states that the private cycle storage will provide for 25 cycles. It is not clear from the provided plans how this provision is designed, with the types of cycle stands not detailed. The exact number of stands within the external public cycle provision is also not detailed. Appendix F of the Torbay Local Plan states that for non-domestic uses, 1 space per two employees is required. The proposed provision appears suitable for the number of employees within the hotel and commercial uses. It is reasonable to utilise the existing public cycle parking on The Strand for visitors to the commercial units. The applicant must however detail the design of the private cycle parking arrangement to ensure that 25 cycles can be suitably accommodated. The current arrangement also appears to show cyclists having to navigate 3 doors to use the cycle store which is not ideal. Alternative access should be considered which enables ease of access for all cycle types and cyclists of all mobilities.

Public Transport Access à The site is located in a prominent position in Torquay town centre, and as such benefits from a good level of public transport provision in respect to both bus and rail travel. The nearest bus stops are located on Cary Parade, which comprise sheltered waiting areas. If not already in place, real time information boards should be provided in support of the bus stops.

Vehicular Access and Car Parking

Hotel Guest Access à The TA states that the development supports a car free approach due to the sustainable location, close to public transport, walking and cycling connections. It also states that existing nearby car parks would be suitable for accommodating the additional parking demand for 144 spaces. There will also be a baggage drop off and concierge system operating from a layby on The Strand. A Parking Strategy is detailed in Chapter 6 of the TA which explains that a 2022 Parking Study expected 60% spare capacity at off-street parking sites in 2026, thus being suitable to accommodate demand of the proposed development. It is also proposed that hotel processes will promote five car parks to guests so that demand is spread. Although the applicant refers to findings of the 2022 Parking Study, further development has occurred since this time which has increased parking demand, including opening of Premier Inn which has adopted spaces within Harbour Car Park for the hotel's own use. Therefore, it is likely that the Parking Study underestimates the amount of actual parking availability. Nevertheless, based on the likelihood of visitors planning their parking arrangements ahead of time and the hotel notifying guests of nearby car parks upon booking, it is accepted that parking demand would dissipate into surrounding car parks.

Staff Parking à Staff are to be encouraged to travel sustainably, supported by measures within the Travel Plan. Therefore, no vehicular parking is to be provided for staff, which is acceptable.

Commercial Parking à The commercial units require 53 car parking spaces as per Appendix F of the Torbay Local Plan. The applicant states that this demand could be accommodated in nearby car parks. The Highway Authority also note that it is likely specific trips would not be undertaken for the commercial units, but would occur as part of an existing trip to the town centre. Based on this, and due to the town centre location being suitably connected to public transport, this approach is acceptable.

Refuse / Servicing / Emergency Access à Servicing for the commercial units will occur from a layby on The Strand. For the hotel, servicing will be undertaken from The Terrace. The servicing movements are suitably demonstrated on Swept Path Drawing 25_3671_ENG_10.

Planning Obligation

The Local Highway Authority will seek the necessary 278 works or S106 planning contributions that are essential to make the scheme acceptable in planning terms. Please also refer to the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, Section 4.3 for the framework of seeking additional Sustainable Transport contributions for major schemes (PCAH SPD (<https://www.torbay.gov.uk/council/policies/planning-policies/local-plan/spd/>) and Table 4.3. For major proposals that are likely to result in increased trips, Sustainable Transport contributions will be sought in accordance with the Planning Contributions SPD.

Construction Traffic Management Plan (CTMP)

A CTMP will be required for both demolition and construction phases of the development. This should be secured via planning condition if permission is granted.

Conclusion

The Highway Authority requires further information before a positive recommendation can be made. Due to no car parking being proposed, it is fundamental that the applicant clarifies the cycle parking arrangements and promotes public transport use by ensuring the nearest bus stops have the highest quality of usability. Therefore, before a positive recommendation is made, the applicant must:

- Provide designs for the cycle parking arrangement, including clarification as to whether the cycle store can be suitably accessed by all mobility types, using a variety of cycle types (i.e. non standard cycles).
- Identify whether any bus stop improvements are required to ensure high quality provision. Improvements could include seated waiting, real time information boards and raised Kassel kerbs for level boarding.

Once the above has been suitably addressed, the Highway Authority would be in a position to raise no objection to the proposals.

WSP on behalf of the Highway Authority (updated response dated 19/08/2026):

The cycle parking is not ideal, but I appreciate the space is limited - would definitely suggest the doors are automated to improve accessibility. Otherwise, no issues. Happy that bus stops have had recent upgrades, so no more improvements are required. The Travel Plan is suitable, and we would request a monitoring fee as per the SPD.

Devon County Council's Principal Ecologist (original response dated 14/07/2026):

Further information required.

Lyme Bay and Torbay Marine SAC à The site is approximately 30m north of functionally linked land associated with the Lyme Bay and Torbay SAC. Qualifying features are reefs, sea caves and great white sharks.

The potential threat of increased public access and disturbance to the sea caves has been raised in the SAC Site Improvement Plan (SIP) - Site Improvement Plan: Lyme Bay and Torbay - SIP128 (naturalengland.org.uk). The SIP states: *A number of the coastal cave features are accessible to visitors. If access is left unregulated, coasteerers, kayakers, diver visits and casual visitors using the entrances in the coastal cliffs could impact the delicate fauna and rare species. Coasteering is growing in popularity as a sport, so the sea caves are likely to be visited more frequently in future. At least two commercial dive operators organise dives at Watcombe Sea Caves. The biological communities at risk are highly delicate.*

The SIP states however, that this issue is being addressed through the promotion of Codes of Conduct and a coasteering licencing scheme. It is therefore considered that this proposal will not result in a Likely Significant Effect on the SAC either alone or in-combination with other Plans and Projects.

There is potential for an increase in waterborne pollutants to be produced and enter controlled water during the construction phase of development. In addition, new holiday development could increase the demand on foul water systems.

In the absence of mitigation, it is deemed that this development could, in combination with other plans and projects, have a Likely Significant Effect on the Lyme Bay and Torbay SAC due to pollution impacts and so Appropriate Assessment is needed.

A Construction and Environmental Management Plan (CEMP) will be submitted and agreed with the LPA. This document will provide measures of construction controls on dust and reducing contaminated run-off.

The CEMP and any required pollution control measures will be conditioned as part of any planning permission. With these mitigation measures secured, there will be no adverse effect on the integrity of the SAC.

South Hams Greater Horseshoe Bat SAC à Site is located within landscape connectivity zone of the South Hams Greater Horseshoe Bat SAC. Proposals will not result in any habitat loss to flight routes within the SAC. No anticipated impacts to the SAC, no HRA required.

Bat flight lines / foraging à Bat roosts have been identified on-site and external lighting has potential to disturb them as they emerge / commute / forage within and around the site.

Mitigation measures contained within the Ecological Appraisals are considered adequate. As no lighting information has been submitted, a condition restricting lighting until details have been submitted to the LPA is appropriate in this instance due to the presence of a number of day roosts on-site.

Bat roosts – buildings à Nocturnal surveys identified three common pipistrelle roosts of low conservation status within buildings 2 and 5. Proposals involve demolishing all roofs on site, only retaining the facades of building 1 and 2. The proposal to remove these buildings will result in the damage/destruction of the identified roosts on site. Surveys were conducted in accordance with best practice.

Proposed mitigation includes an application for a European protected species licence from Natural England. The authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant an EPSL which would permit the proposal to lawfully proceed. The first two tests (below) are essentially planning tests and are for the case officer to conclude. The third test I have concluded below. i) The consented operation must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; ii) There must be 'no satisfactory alternative'; iii) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

Given the mitigation measures, it is my opinion that the third test of the Habitats Regulations is satisfied. If upon consideration of the first two tests you consider them met, then it is reasonable to conclude that Natural England would grant an EPS licence for this development. Proposed mitigation would likely retain the favourable conservation status of the roost.

The ecology reports states *“Replacement roosting provision will be included within the proposed plans and can comprise integrated bat boxes, gaps beneath fascias, lifted slates, or comparable roosting features designed for bats such as bolt on bat boxes”*

The location of these required replacement roosting provisions do not appear to have been provided to the proposed elevations drawings. The location of these features needs to be added to these documents so they can be conditioned.

Nesting birds / Schedule 1 birds à Works to all buildings have potential to harm nesting birds if present at the time of works. The ecology report includes sensitive timing of works / nesting bird checks. Mitigation measures are appropriate to avoid impacts to nesting birds. A planning condition should be included regarding vegetation clearance.

Net gain à The BNG assessment shows an increase in on-site habitat units from 0.23 units at baseline to 0.39 units post-development.

Overall, the indicative results demonstrate that a minimum 10% BNG can be achieved on-site. The final BNG position will be confirmed through the submission of a pre-commencement Biodiversity Gain Plan, secured by condition.

The submitted Biodiversity Metric has been appropriately completed. The assessment demonstrates that the development is capable of achieving a net gain in excess of the mandatory minimum 10% requirement on site. The LPA is satisfied that the stated Biodiversity Net Gain can be achieved on Site.

The applicant may wish to plant native shrubs and wildflowers, or year-round flowering Plants for Pollinators (Royal Horticultural Society: Plants for Pollinators advice and downloadable lists / RHS Gardening) around the site to increase biodiversity on site.

Devon County Council’s Principal Ecologist (updated response dated 20/08/2026):

That appears to be sufficient – but please can there be a statement from the consultant ecologist confirming that the location of the bat boxes is suitable? They are located directly next to new areas of glazing which may reduce their suitability for roosting bats.

Devon County Council’s Principal Ecologist (updated response dated 07/09/2026):

That is sufficient – it appears there isn’t many places the bat tubes can be located but the ecologists thinks the locations will work so that’s fine.

Natural England (response dated 21/07/2026):

When a local planning authority send a consultation request to Natural England’s consultation@naturalengland.org.uk mailbox, an automatic acknowledgement is sent (see attached). This states as follows:

'If this is a Development Management consultation that is not a Nationally Significant Infrastructure Project (NSIP), EIA development, Minerals and Waste development, development affecting over 20ha of Best and Most Versatile agricultural land or does not trigger an Impact Risk Zone (IRZ), there is no requirement to consult us and you will not receive a further response'

Natural England has considered the potential impacts and has no further comments to make beyond those provided in our general advice. A lack of detailed advice or objection from Natural England does not mean that there are no significant impacts on the natural environment, only that the proposed development is not likely to result in significant impacts on nationally or internationally designated nature conservation sites or designated landscapes.

Natural England encourages local planning authorities to use our mapped Impact Risk Zones (IRZ) to decide whether they need to consult us on proposals that might impact on SSSIs. IRZs can be accessed via www.magic.gov.uk. They are tailored to each SSSI and identify the types of development that would have the greatest impact. For guidance on how to access and use the IRZs see SSSI IRZ User Guidance MAGIC.pdf (defra.gov.uk). Proposed development sites which do not trigger an IRZ are unlikely to have a significant effect on an SSSI or its interest features.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of development
2. Design and visual impact
3. Impact on heritage assets
4. Residential amenity
5. Highways, movement and parking
6. Ecology, biodiversity and trees
7. Flood risk and drainage
8. Designing out crime
9. Low carbon development and energy

1. Principle of development

The proposal is for the redevelopment of 7, 7A, 8, 9, 10, 10A, 11, 11A, 12, 13 and 14 The Strand, Torquay and 43, 45, 47 And 55, 57, 59 The Terrace, Torquay. The proposal includes the demolition of the existing buildings with the exception of No.7 and the grade II listed No.8 The Strand which will feature partial demolition and alterations.

The proposal will involve the construction of a hotel (Use Class C1) comprising a building of up to six storeys with a rooftop bar / restaurant and will include ground floor commercial units (Use Class E(a) and (b)), with associated public realm, infrastructure and landscaping, including a new public stepped street.

Town centre and tourism

The regeneration of town centre areas is very strongly supported in the Local Plan, and there is a strong support for Town Centre, Harbourside and Waterfront regeneration. The site is a prime harbourside location that has been identified for many years as a regeneration opportunity. The current proposal represents a more comprehensive regeneration of this part of the Strand than the approved planning application (ref: P/2022/0806) for the former Debenhams building. Policy E2 of the NPPF supports business growth and outlines that substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt; especially where this would support the economic vision and strategy for the area. This reinforces the importance of the Adopted and Emerging Local Plans' Core Tourism Investment Area policies and their consistency with the Framework. The Destination Management Plan 2026-2036 indicates an undersupply of luxury hotels, that would be part of an overall strategy of releasing more marginal holiday accommodation, on that basis the proposal assists with meeting the changing needs of the tourism industry. Objectors have raised concerns regarding the impact the proposal would have on existing tourist accommodation and whether there is a demonstrated need for a hotel. Supporters have outlined that the proposed development would provide facilities, whilst making tourist facilities better, it would provide and retain jobs, and bring economic and regeneration benefits to the area.

Policy SDT1 of the Local Plan states that Torquay is and will remain the primary commercial centre of Torbay. Harbourside and town centre sites will be developed for appropriate mixed uses, and the re-use of space within buildings for residential accommodation will be supported. The urban areas will be improved and renewed, with strong support for family homes. Regeneration, comprehensive redevelopment and large-scale investment will ensure that the town centre and Torquay Harbour areas evolve as the principal town centre and the centrepiece of a modern, prosperous and sustainable Torbay, whilst conserving or enhancing the historic and natural environment.

Policy SDT2 of the Local Plan states that Torquay Town Centre will develop as the largest retail and leisure centre of the Bay and become the key sub-regional retail and leisure destination. This will help provide an improved, vibrant and more enjoyable shopping and leisure environment with better high street retail, eating and leisure facilities. Furthermore, regeneration of key sites will help strengthen its role as a commercial and social centre for residents and visitors, whilst conserving or enhancing the area's historic character and environmental value. Developments within Torquay Town Centre and Harbour areas should comprise a mix of suitable town centre uses and help to increase substantially the numbers of town centre homes during the Plan period.

Policy TC1 of the Local Plan supports town centre regeneration. The site is located within Torquay Town Centre and The Strand is identified as a primary shopping frontage. Policy TC4 of the Local Plan seeks such frontages to be "predominantly" Use Class A1. However, the Government made major changes to the Use Classes Order and from September 2020 the site would fall into Use Class E "Commercial, business and service" use.

Policy TS2 of the Neighbourhood Plan outlines that major development proposals within the town centre will be supported where they contribute to meeting the objectives of the Neighbourhood Plan for these areas and they conform to the area wide Master Plans adopted by the Council where those Master Plans are in compliance with the policies of the Plan.

The site is within the Torquay Harbourside, Waterfront and Belgrave Road Core Tourism Investment Area (CTIA). Policy TO1 of the Local Plan supports “the...creation of high-quality tourism and leisure attractions, facilities and accommodation in sustainable accessible locations” in such areas. The proposal therefore draws strong policy support from Policy TO1 of the Local Plan which is a pivotal land use consideration for the site. Policy TE1 of the Neighbourhood Plan particularly supports tourism accommodation on brownfield sites. The site is considered to represent a sustainable location for tourism led regeneration.

The Development Plan remains the Torbay Local Plan 2012-30 (adopted December 2015) and the Torquay Neighbourhood Plan (Made 2019). The Draft Torbay Local Plan 2025-45 has now reached its Regulation 19 Publication consultation stage, having been through three rounds of Reg 18 consultation and approval by full Council on the 23 July 2026. Whilst the Reg 19 Publication Local Plan carries limited weight, it can now be treated as a material consideration in determining planning applications. A primary objective of the Reg 19 Local Plan is to align spatial planning policy with the Council's regeneration and accommodation repurposing programmes. The draft Local Plan states: "The Harbourside and waterfront will deliver improved tourism and leisure facilities including on Stand (former Debenhams)".

Torquay town centre like many other town centres across the country has faced a significant change in the past decade through retailer failure, however Torquay has been allocated £21.9 million through the Town Deal with the intention of the funding to redevelop key town centre sites for mixed uses and public realm schemes. Furthermore, Torquay has received additional funding from the Future High Streets Fund, the Levelling Up Fund for Torbay and Pride in Place funding, all of which will assist in the regeneration and redevelopment of the town centre. Policy L2 of the NPPF states that substantial weight should be given to the benefits of where a development proposal makes better use of vacant and underutilised land and buildings including redeveloping underutilised retail sites.

The proposal seeks a mixture of Class E(a) and (b) uses across the ground floor of the proposed development, which aligns with the Development Plan given that the site is defined as Primary Shopping Frontage. Hotels and associated tourism uses are a "main town centre use" and the proposal is consistent with the local plan designation. The existing Local Plan seeks to be flexible about ground floor commercial uses and the application site would lend itself to a range of uses ancillary to the hotel or as separate standalone premises. The NPPF has dispensed with the requirement for Local Plans to identify Primary Shopping Frontages, and the Draft Local Plan follows a more relaxed approach to the types of uses supported within town centre areas.

Chapter 8 of the NPPF promotes the long-term vitality and viability of town centres by prioritising them as locations for main town centre uses and allowing them to adapt to changing community and business needs. Policy TC2 of the NPPF confirms that when considering proposals for development in town centres, substantial weight should be given to the benefits of:

- a) Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations); and

- b) Improving or retaining access to local shops and other facilities which provide day-to day services for the local community.

The Council's Principal Policy and Project Planner has noted that as part of their previous pre-application enquiry comments they raised the issue of market demand/viability for a new hotel in this location in the light of recent additions to Torbay's hotel stock including: The Premier Inn Torquay Harbour Hotel (120 rooms) and Hampton by Hilton Hotel (131 rooms) in the immediate vicinity of the Strand. In addition, the 152 bedroom Indigo Hotel at Corbyn Head has recently opened. The Mercure (161 bedroom) and Ibis Styles (127 bedrooms) hotels in Paignton are further afield but are also significant recent additions to Torbay's serviced accommodation. The approved 248 bed hotel on the site of the Palace Hotel, Babbacombe (P/2019/0716) remains stalled, although it is outside of the CTIA and does not have a waterfront location. The Local Plan Working party has expressed a view that the former Bishops Palace site should remain in tourism use, although this has not been tested through a planning application.

For the avoidance of doubt, Policies TO1 and SDT2 of the Local Plan do not require new holiday accommodation to demonstrate need/demand. Nevertheless, the deliverability of a scheme is material to the likelihood of the economic and regeneration benefits being realised, as well as weighing up the opportunity cost in terms of foregone housing. The application is supported by a market demand assessment by Colliers and an assessment of costs-to-benefit by Hardisty Jones. Colliers' assessment indicates a demand for upper end serviced accommodation and suggests a level of displaced demand leaving Torbay.

The Council's Principal Policy and Project Planner has discussed matters of demand and need with colleagues in Economic Development who are leading the review of the English Riviera Destination Management Plan. The Destination Management Plan is supported by an accommodation audit by Tomorrow's Tourism, which is currently in draft. Whilst it is impossible to be definite about the viability of the proposed scheme at the Strand, the draft Accommodation Audit does indicate an undersupply of luxury accommodation (and oversupply of economy-midscale accommodation) in Torbay compared to Devon and Cornwall. It also suggests evidence of untapped demand for luxury accommodation. This is consistent with the evidence in the current Destination Management Plan, which has informed the emerging Local Plan, i.e. there is a need to reduce the overall stock of outdated accommodation but support the creation of new upper end of the market hotels. It should be noted that objectors have raised concerns regarding viability.

Although not a formal Development Plan document, the Torquay Regeneration Vision helps deliver several key Torbay Community and Corporate Plan 2023-43 objectives, including the Pride in Place priority to "Draw investment into our towns and breathe life into our town centres, partnering with the private sector to deliver major projects". As a document that helps deliver these Corporate objectives it is a further material consideration in favour of the development.

The principle of the proposed development is considered to be broadly acceptable from a town centre and tourism perspective as it will provide tourist accommodation on a brownfield site whilst providing commercial premises at ground floor. The proposal will be another

important regeneration project for Torquay Town Centre, which will encourage future development and investment.

Community investment area

The site is located within a Community Investment Area and shown as within the 3% most deprived neighbourhoods Lower Super Output Areas (LSOA) in England in the 2025 English Indices of Deprivation. It ranks as one of the most deprived neighbourhoods in Torbay (86th out of 91 LSOAs). There is deprivation across every domain. Policy SS11 of the Adopted Local Plan, and SCS of the Draft Local Plan, are therefore a relevant consideration. The proposal would have significant regeneration and economic benefits. The assessment by Hardisty Jones estimates that the proposal would generate 367 gross direct person years of employment within the construction sector and £24m of GVA over the entire construction phase and indirect construction benefits of 533 person years of employment and £35m of GVA within Torbay. In operation, Hardisty Jones assess that the hotel and food and drink uses will generate 163 FTE jobs and £162 million in GVA (over 60 years discounted to present value). The proposal therefore draws very strong support from Policy SS11 and SCS.

Loss of housing

The proposal will result in the loss of 3no. residential units (Nos.55, 57 and 59 The Terrace) and removes the 21 dwellings approved under P/2022/0806 (on the former Debenhams site) from the pool of deliverable housing sites. There is a pressing need for homes in Torbay. The Government published the most recent Housing Delivery Test in August 2026. Torbay's result is 40%. The Council have recently reported that their housing land supply figure has decreased to 1.72 years through a recent planning appeal (ref: APP/X1165/W/24/3354507) and the Council's most recently published figure is 1.65 years supply. The Housing Delivery Test requires that the presumption in favour of sustainable development, the requirement for an action plan and a 20% buffer be applied as per the Housing Delivery Test measurement rule book.

Torbay's five year housing supply shortfall is very serious and the loss of housing must be given significant weight in the planning balance. However, the main Local Plan designation on the Strand/Harbourside is for tourism and leisure. The Draft Local Plan particularly seeks to focus commercial/leisure/tourism activity in this part of the town and to promote greater housing led regeneration in other parts of the town centre, particularly from Market Street/ Union Square upwards and along Lower Union Lane. The Council's Accommodation Repurposing Programme ("Hotels to Homes") is likely to be a key source of new brownfield housing as set out above. On this basis, the loss of potential housing in this location is likely to be more than compensated by the release of other holiday accommodation stock for homes; and by the wider regeneration and economic benefits of the development.

The loss of the 3no. residential units would however weigh against the public benefits of the proposed development. The Council's Principal Policy and Project Planner highlights that this loss of residential units raises a tension with Policy S4 of the NPPF. However, it is an instance where the Framework pulls in different directions and directs "substantial weight" to both housing and economic development. As the Development Plan designates the application site as a Core Tourism Investment Area and a Primary Shopping Area, the Council's Principal Policy and Project Planner concludes that the loss of housing remains acceptable within the overall policy framework and when balanced against the economic benefits.

The proposed development will result in many benefits, including the generation of additional retail and leisure expenditure within the town centre with significant regeneration and economic benefits. The proposal will deliver a hotel with roof top bar / restaurant and new retail units in a sustainable and accessible location. The proposal will provide significant investment to Torquay Town Centre, which will assist in boosting the confidence of other businesses and investors, visitors and shoppers within the town centre. The proposal will be a catalyst at helping the town centre evolve and adapt. Other seaside tourist towns are experiencing regeneration projects, the proposal will help Torbay compete with other tourist destinations.

Overall, the proposed redevelopment of the site is considered acceptable in principle. The scheme would deliver the comprehensive regeneration of a long-standing brownfield opportunity site within Torquay Town Centre and the Harbourside Core Tourism Investment Area, providing a high-quality hotel, active ground-floor commercial uses, substantial public realm improvements and significant economic, tourism and regeneration benefits. The proposal aligns strongly with the strategic objectives of the Adopted Local Plan, the Torquay Neighbourhood Plan, the emerging Local Plan and national policy which support town centre regeneration, investment, tourism growth and the effective use of previously developed land. Whilst the loss of three existing dwellings and the removal of a consented residential element weigh against the proposal, particularly in the context of Torbay's acute housing shortfall, the site's primary policy designations for tourism, leisure and town centre uses, together with the substantial benefits arising from the development, are considered to outweigh this harm. Accordingly, subject to compliance with all other relevant Development Plan policies and material considerations, the principle of the proposed development is supported.

2. Design and visual impact

Chapter 14 of the NPPF seeks the promotion of high quality, healthy, inclusive and sustainable places. Policy DP3 of the NPPF outlines that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; for example through the arrangement of development plots and buildings, and the use of materials and architectural features. Policy DP3 of the NPPF outlines principles that help create well-designed places. Policy DP4 of the NPPF emphasises that design quality should be considered throughout the evolution, assessment and delivery of development proposals, including through any pre-application engagement.

Policy DE1 of the Local Plan states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment. Policy DE4 of the Local Plan outlines that the height of new buildings should be appropriate to the location, historic character and the setting of the development. Policy DE4 of the Local Plan asserts that new development should be constructed to the prevailing height within the character area in which it is located, unless there are sound urban design or socio-economic benefits to justify deviation from this approach. 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.

The existing site consists of 7 clearly defined plots of varying scale and spans an approximate width at its widest point of 93.5 metres. The most dominant of these plots in both width and height is 12-14 Debenhams, which whilst slightly broken up, still reads as one large slice of urban grain. The mass is predominantly situated to the Strand side of the site, however Debenhams does extend to meet the Terrace, and the Cottages are positioned mid-depth into the site. The resultant space to the rear of the units 7-10 is filled with urban sprawl - small structures, parking spaces and general clutter. There were several informal and poor links between the Strand and the Terrace, one through Hoopers department store, another through the back alley beside the Apple and Parrot and the now closed Debenhams department store.

The scheme has undergone an extensive pre-application enquiry as well as being presented to the Torbay Design Review Panel (TDRP). The TDRP meeting provided significant constructive advice which the pre-application enquiry and subsequently this application has attempted to address some of the comments and critiques raised during this meeting.

The proposal seeks consent for the demolition of Nos.9, 10, 10A, 11, 11A, 12, 13 and No.14 The Strand, Torquay and Nos.43, 45, 47 And 55, 57, 59 The Terrace, Torquay, and the partial demolition and external alterations to No.7 and No.8 The Strand, Torquay and the comprehensive regeneration of the site, replacing a largely vacant and deteriorating collection of buildings with a landmark hotel-led mixed-use development on Torquay Harbour.

The development comprises:

- A 144-bedroom upscale hotel within a building ranging from four to six storeys.
- 3/4 ground floor commercial units (Use Class E) intended for food and beverage, restaurant, café and boutique retail uses.
- A new publicly accessible "Stepped Street" linking The Strand at harbour level with The Terrace above.
- Extensive public realm improvements, landscaping, biodiversity enhancements and accessibility measures.

The redevelopment approach differs across the site. The buildings of Nos. 7 and 8 will be retained. At No.7 the existing principal frontage will be retained and remodelled and new balconies and a refurbished shopfront will be introduced. No.8, which is Grade II listed, will have its principal façade retained and restored, with historic features such as decorative plasterwork, cornicing and structural features retained where possible. A modern recessed extension will be added which will add a new third floor to the building. The proposal will include the removal of the 1980s post modern standing seam tower housing lift and staircase; removal of rear stepped façade and the creation of a new brick façade alongside extensive other works which will be discussed in detail in the heritage section below.

The proposal demolishes the majority of No.9 The Strand, Nos. 10-11 ("The Cottages"), Nos.12-14 (former Debenhams) and the rear ancillary structures and service areas. These are replaced with a purpose-designed hotel complex that aims to retain the historic grain and plot rhythm of the locality. At its greatest height, the height of the new development when viewed from the Strand is approximately 22.2 metres with an approximate depth at its greatest point of 39.05 metres.

In terms of the proposed hotel layout, the ground floor contains the main hotel reception and lobby, the hotel restaurant and dining facilities and the kitchen and back-of-house facilities. Cycle storage, staff facilities and servicing and waste management areas are also located at this level. A route below the stepped street provides guest access to the rooms and suites located on the upper levels of Nos.7-11 Strand. The hotel entrance occupies a prominent position on the chamfered corner of the former Debenhams site facing the harbour.

At first floor level there is function and event spaces, a guest lounge, gym and hotel bedrooms and suites.

Floors two to four contain the majority of the accommodation, including standard guestrooms, premium harbour-facing rooms and suites. A secondary hotel entrance is provided from The Terrace at the fourth floor level. At the rooftop level is a destination rooftop bar with restaurant and terrace. This level is designed as a contemporary pavilion structure set back from principal elevations to reduce visual impact.

Three Class E commercial units are located at ground floor level with the third unit capable of being split into a fourth unit if a larger unit is not required. These commercial units will have access to the bin and cycle storage at the rear.

The scheme adopts a stepped massing strategy with four storeys adjacent to Hoopers at the western end which gradually increasing to six storeys at the eastern Debenhams end. Taller elements are designed to be located where impact on heritage assets are considered to be the least sensitive and height transitions are intended to reflect the existing pattern of development while accommodating a viable upscale hotel.

The design draws heavily on Mediterranean coastal architecture, Torquay's historic harbour frontage and Italian Riviera influences. The 'Heyday Hotel' element of the proposal (Nos.12-14 Strand) features the use of tiled shopfronts, articulated dormers, vertically proportioned windows and bays, first-floor terraces and balconies and a contemporary mansard-style roof. Contemporary cornice detailing and precast stone banding is detailed alongside fabric shade canopies and decorative railings. A chamfered corner entrance is present which addresses the harbour frontage.

The 'Riviera Suites' (Nos.9-11 Strand) features narrow plot façades with varied roof forms, simple rendered and brick façades with vertical window openings and varied balcony designs taking on board Franco-Italian apartment influences.

The retained buildings of Nos.7-8 Strand feature preserved façades with contemporary interventions which aim to be clearly distinguishable from the historic fabric with the overall approach being that of sensitive refurbishment. No.7 retains its principal façade with new balconies, replacement roof level and a remodelled shopfront, while No.8 retains its red brick and stone frontage and key architectural detailing. A setback contemporary roof extension is proposed to No.8 alongside demolition of the rear newer extensions including the tower.

One of the defining public realm features is the new stepped street. This connects The Strand with The Terrace and restores an historic north-south route through the site while creating framed harbour views. The street will provide a public pedestrian route through the

development and includes significant planting, seating and landscaping. The street is overlooked by hotel rooms, the rooftop terrace and public areas, creating activity and natural surveillance.

The application has been supported by a detailed Design and Access Statement and a Townscape and Visual Impact Assessment (TVIA). The TVIA concluded that the site is capable of accommodating development without causing material harm to the local landscape and townscape character or views and visual amenity of the area.

The Council's Conservation and Urban Design Officer has reviewed the application from a design perspective. The Officer notes that the redevelopment of part of the site would result in an improved visual condition, albeit by way of extensive demolition. The proposed design style would add to the character of the Conservation Area, through its use of historic grain and design language. However, there is an absence of substantive narrative regarding the building style change halfway up the steps. The Officer considers that this appears relatively generic and requires further justification and narrative to demonstrate its response to context.

The proposed development is set-up and set-back from the established ground floor level in order to tackle issues with surface water flooding while uncharacteristic for this location, its combination with improved public realm works is successful and is a significant enhancement compared to the existing plain expanses of pavement.

The Officer considers that the quality of the drawer type balcony at Nos.10/10A would benefit from refinement, as currently it appears contrary to the style of the building below with a bulky appearance. Activating the roofscape with balconies at Nos.7 and 8 The Strand requires careful consideration. Such activation at high level if not monitored and controlled can result in these areas becoming unsightly and detracting from the aesthetic value of the building.

It was considered that further work should be undertaken to improve the rear elevations given their visibility and interaction with The Terrace as it appears quite generic in its current form. The views from The Terrace would afford views of the rear and roofscape thereby resulting in a need for a good quality visual appearance.

Long distance views from points around the harbour have been provided but there are limited detailed views from points within the new public realm area of The Strand. The proposed built form and massing restricts and obstructs views of the Higher Terrace behind as demonstrated in the design and access statement. This is most evident due to the contrast in building heights existing and proposed at Nos.10-11 The Strand. The principal imagery, and worked-up artistic impressions/visualization, showing the proposal in context is taken from positions that limited pedestrians will have the ability to experience, i.e. from the pontoon within the inner harbour. There is a lack of imagery and visualisations showing the building in the context of its neighbours at both ends. Given the significant change in height, it is important to view and assess this relationship in three dimensions.

The Officer considers that the new stepped access is a particularly positive aspect providing a meaningful and inviting connection between the Harbour and The Terrace. The steps provide a natural crossing point and would appear to work cohesively with the public realm in the harbour area. This element also helps to re-introduce visual connectivity between The

Strand and Higher Terrace, which would be lost due to the scale and mass of the proposal. Consideration of the light levels afforded to this space is vital as this would either prevent or encourage its use. Lighting in close proximity to bedroom may also result in conflicts between users.

The proposed landscaping works are generally positive providing a significant uplift from the existing situation. In particular, the pockets of landscaping created on the steps and along the Strand. The scale of the proposal is to a degree softened by its landscaping and the inclusion of large trees in the imagery provided. The materiality of the public realm scheme would appear to link with the recently completed public realm scheme at The Strand, providing contextual consistency.

The reinstatement of the historic railings at the rear of the site is a meaningful inclusion. Small sections of historic examples appear to exist amongst other less sympathetic railings at the rear, with many being lost in the provision of parking spaces. Subject to the detailing and execution matching the remaining historic railings, their reinstatement would result in minor enhancements to be considered in the overall balance.

Following the receipt of the comments from the Officer the applicant has provided a design response document (5128-KEA-XX-XX-RP-A-00016 P2 (Design Response)) which goes through each point made by the officer and offers further clarification and additional information.

The Council's Conservation and Urban Design Officer has viewed the updated information and plans. They note that the updated visuals are useful and aid in demonstrating how the development is likely to be viewed from additional vantage points. The minor amendments to the landscaping including the inclusion of the pedestrian crossing and omission of the cycle parking obstructing the footway are welcomed. However, it is disappointing that public cycle parking should be removed from the proposal entirely. Accommodating for cycle parking elsewhere within the public realm should be considered. Cycle parking will be considered in further detail in the highway section of this report.

Beyond these changes there appear to be no further amendments to the proposal, other than the anomalies in the submitted drawings which have now been addressed. The remaining points raised in the original response still stand and can be summarised as the following:

- The proposed roof level extension at No.8 The Strand.
- The method of integration of No.8 into the wider scheme, including the extent of demolition.
- The quantum of development and the total loss of Nos.10-11 The Strand.
- Presence of the roof level bar at Nos.12-14 The Strand.
- Order of the elevation at Nos.12-14 The Strand.
- Extent of flat roofs visible from Higher Terrace.
- Loss of canopy columns, although these might be repurposed.
- Scale of development and the extent the development would obscure The Terrace behind.
- Detailing of balcony at Nos.10/10A.
- Functionality of cycle storage deep within the building. A good level of provision for staff but the awkward nature of its location may detract from its use.

- If the future operator is to be responsible for maintenance of the stepped street, including the lighting, it is important that the lighting maintains public safety akin to that of street lighting.
- It is not clear if there would be any additional street infrastructure requirements (lighting meter boxes, telecoms etc), wayfinding. The absence of a strategy would likely impact the intended design quality of the spaces created. This is key to prevent pavement clutter and impacts on design quality and negative user interactions.
- Integration of the existing canopy columns in the lighting proposals is welcomed, although it is clear that further work is needed to establish if this is at all possible.

It is understood that the height of the development cannot be lowered due to viability concerns which would result from the reduction in hotel rooms and a reduction in size of the rooftop bar would compromise functionality, accessibility, servicing arrangements and means of escape. The applicant therefore considers that the current design represents a balanced solution that delivers a high-quality destination venue whilst minimising visual impact through substantial setbacks and careful massing. The impact on the Grade II listed No.8, the demolition of Nos.10-11 and the impact on the Conservation Area and the setting of surrounding designated heritage assets will be considered in further detail in the heritage section below.

In terms of the concerns relating to the presence and design of the roof level bar, the design response from the applicant confirms:

The proposed roof bar has been deliberately designed as a lightweight contemporary pavilion that is visually distinct from, and subordinate to, the principal hotel building beneath. Whilst the main hotel draws on the character of the traditional 'Hey Day Hotel' the upper level responds to a very different function. As a public destination space with panoramic views across Tor Bay and direct access to roof terraces, it requires a significantly greater degree of transparency than the cellular hotel accommodation below.

The use of glazing at high level is consistent with the eclectic character of the harbour and is not without precedent. Hoopers Department Store (5-6 The Strand) incorporates a fully glazed upper floor accommodating its café, whilst Beacon Quay similarly features extensive glazing at high level. The proposal therefore reflects an established pattern of lightweight rooftop additions within the wider townscape.

The design has evolved to ensure the roof bar remains visually recessive. The upper floor is substantially set back from the principal elevations and adopts a stepped and cranked plan form, including a 5-metre setback along the more sensitive western frontage. These measures reduce its prominence, break down its perceived mass and ensure the main hotel building remains the dominant architectural element. These amendments were incorporated as part of the iterative design evolution following engagement with Historic England, the DRP, pre-application discussions with the LPA and wider public and stakeholder engagement, and this process is documented in the DAS.

This justification is considered reasonable and the design and appearance of the rooftop bar element of the design is considered to be visually attractive.

In terms of the scale of development, the design response notes:

The overall height of the development should also be considered within the context of existing waterfront buildings and wider Torbay landmark hotels. Harbour Point, Queen's Quay and the Torbay Hotel for example establish a comparable scale and presence around the harbour. The proposal therefore sits comfortably within the existing hierarchy of development and does not introduce an unprecedented height into the townscape.

The massing strategy also concentrates the majority of the pavilion mass towards the eastern side of the site, where it is viewed against the backdrop of the larger Hilton and Premier Inn buildings. This reduces its perceived scale from The Terrace and other sensitive western viewpoints while contributing to the layered roofscape that is a defining characteristic of the harbour.

It is considered that the overall size, scale and massing presented would integrate well with the scale of the buildings in the locality and would not appear overly dominant in nature from a townscape perspective. As a result, the proposal would be considered appropriate in terms of its visual impact, and the impact on the townscape and local and long-distance views. When considering the remaining criterion of Policy DE4 of the Local Plan, the proposal would enhance the vitality of an area; contribute to the regeneration of Torbay and provide wider socio-economic benefits. Whilst concerns are raised by the Council's Conservation and Urban Design Officer with the overall scale and massing of the proposal, the massing has been broken up with the architectural detailing proposed.

The Officer has also raised concerns relating to the order of the elevation at Nos.12-14 The Strand, the extent of flat roofs visible from Higher Terrace, the rear elevations and the detailing of balcony at Nos.10/10A. The design response and overall submission from the applicant has set out how they believe these matters have been addressed.

There have been a number of objections around the design of the proposal which have been described as 'not in keeping with the local area' and it setting an unwanted precedent. Objections are also concerned about the proposals impact and overdevelopment, including the height, scale and massing. Letters of support have stated that the proposal would remove an eyesore and compliment the design of the scheme, therefore setting a positive precedent. The proposal has been through a rigorous design process and evolved in response to comments from the extensive community engagement, Historic England, Torbay Design Review Panel and Officers. It is considered that the general form and layout of the scheme makes effective use of the land and responds well to the topography of the site. The design enables the creation of strong building frontages which enable active surveillance to increase safety and security. The overall layout and form appears to respond effectively to the topography of the site and the development would result in a major enhancement of a site which includes many dated and tired structures.

Recognising the comments of the Council's Conservation and Urban Design Officer if permission is granted, planning conditions relating to the following should be employed to secure a good quality scheme:

- Assurance of build
- Ensuring the condition of the stepped street is maintained

- Railings and boundary treatments
- Joinery details
- Wayfinding and signage strategy
- Materials
- Rainwater goods
- Public seating
- Lighting design and strategy
- Associated infrastructure in the public realm
- Hard and soft landscaping detailing including a planting schedule
- Solar panel details

On balance, it is considered that the proposal would preserve and enhance the character and appearance of the area through the comprehensive redevelopment of a prominent brownfield site, introducing buildings of appropriate architectural quality and townscape presence. Subject to the imposition of robust planning conditions securing detailed design, materials, landscaping, lighting, public realm works and boundary treatments, the development is considered to accord overall with the design objectives of Policies DP3 and DP4 of the NPPF, Policies DE1 and DE4 of the Local Plan, and Policy TH8 of the Neighbourhood Plan. The design and visual impacts of the proposal are therefore considered acceptable and weigh in favour of the development within the overall planning balance.

3. Impact on heritage assets

It is also incumbent on the Authority, in exercising its duties, under the provisions of The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66(1)), 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, and (Section 72(1)), to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

This statutory requirement needs to be considered alongside Chapter 20 of the NPPF which recognises that the historic environment should be conserved and enhanced. It identifies that heritage assets range from sites and buildings of local historic value to those of the highest significance.

Policy HE4 of the NPPF confirms that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. Paragraph 2 of Policy HE4 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in Chapter 20 of the NPPF.

Policy HE6 of the NPPF considers that *“when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.”* Policy HE6 of the NPPF confirms that where a development proposal would harm the significance of a

designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.

Policy HE7 of the NPPF states that where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. Policy HE7 goes on to state that where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

Policy HE9 of the NPPF relates to development proposals within or affecting the significance of conservation areas, confirming that proposals which conserve elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

Policy HE10 of the NPPF outlines that where a development proposal would result in the loss of the whole or part of a heritage asset (whether designated or not):

- a) The development should not be approved without all reasonable steps being taken to ensure that the new development will proceed after the loss has occurred, including through the use of planning conditions and planning obligations to secure the development against the loss of the asset; and
- b) The applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and should make this evidence (and any archive generated) publicly accessible by depositing it in the relevant Historic Environment Record, and any archives with a local museum or other public depository. The ability to record evidence of our past should not be a decisive factor in deciding whether such loss should be approved.

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. Policy HE1 of the Local Plan states that development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses. Policy TH10 of the Neighbourhood Plan outlines that alterations to listed buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance. In doing so, proposals which at the same time contribute to providing a sustainable economic future for such buildings will be particularly supported.

The site includes No.8 The Strand (formerly the Royal Bank of Scotland), which is a Grade II listed building. There are also a number of Grade II listed buildings within close proximity of the site. The closest includes Maples, 16 The Strand with a brick and terracotta shopfront façade. Maples is separated from the site by Yates public house. The Grade II listed Clock Tower is positioned to the south east of the site within the new Strand public realm works. The Grade II listed Higher Terrace and attached front railings are above the site to the north. A terrace of listed buildings lies approximately 100m, at right angles to the site to the west on

Vaughn Parade. The Grade I Listed Building Parish Church of St. John the Evangelist lies 300m north east of the site.

The site lies within Torquay Harbour Conservation Area. This covers the land adjacent to Torquay Harbour which is surrounded on all sides with the Belgravia and Abbey Road Conservation Areas to the west and the Warberries and Lincombes Conservation Areas to the east. The application is supported by Heritage Impact Assessments that have been prepared by Avalon Planning & Heritage. Objectors have raised heritage concerns, including the proposed impact on heritage assets.

Archaeology

The submitted desk-based archaeological assessment submitted concludes that there is some potential for archaeological remains to exist at the site - relating to the development of the existing harbour including land reclamation activity and earlier building phases shown on historic mapping. Devon County Council's Archaeologist and Historic Environment Manager has been consulted on the application and has outlined that groundworks for the construction of the proposed development may expose and destroy archaeological and artefactual deposits associated with the post medieval development of the existing harbour. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate and record the archaeological evidence that will otherwise be destroyed by the proposed development. Devon County Council's Archaeologist and Historic Environment Manager has recommended some planning conditions which include a Written Scheme of Investigation and a Post-Investigation Assessment to mitigate the archaeological evidence that will otherwise be destroyed by the proposed development.

Impact on Non-Designated Heritage Assets

Policy HE7 of the NPPF states that where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. Policy HE7 goes on to state that where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

Nos.10-11 The Strand are considered to be non-designated heritage assets (NDHAs) as confirmed by the applicant's Heritage Consultant and the Council's Conservation and Urban Design Officer. Other consultees have also recognised these buildings as such. Both buildings have suffered deterioration due to their closure and lack of maintenance since.

The Council's Conservation and Urban Design Officer has confirmed that the demolition of these buildings would result in the total loss and therefore substantial harm to these NDHAs. The proposed development would result in the loss of the evidential value of the buildings which would be harmful to the Torquay Harbour Conservation Area as they play a part in demonstrating the development of the harbour area over time. Historic England note that these buildings are some of the last remnants of the small fishing village that then expanded into a thriving tourist destination, therefore the scale and presence of the buildings provide

an important and legible link to Torquay's development. Historic England have confirmed that the loss of these NDHAs would result in harm to the Torquay Harbour Conservation Area given their tangible reference to the history of Torquay's development. The Georgian Group have stated that Nos.10-11 The Strand should be retained and reused as the demolition of such would result in the irrevocable loss of the surviving eighteenth century terrace, and would cause harm to the evidential and historic character of the Torquay Harbour Conservation Area. The Georgian Group do not consider that there has been clear and convincing justification for the total loss of the NDHAs and recommends that the application is refused. The Council of British Archaeology has stated that they would prefer to see the buildings partially retained and confirms that their total loss and replacement would result in substantial harm to the NDHAs and harm to the Torquay Harbour Conservation Area, but recommends that if the Local Authority is satisfied that the scales of any new buildings fronting The Strand should be reduced to retain key views to the Higher Terrace and to the Grade I listed Parish Church of St John.

The applicant has justified the loss of the NDHAs by stating that a comprehensive scheme is required to address the long-term economic challenges which face the Strand. Architectural optioneering and viability analysis has proved that reuse and conversion of the existing buildings is not viable. The proposed scheme draws on public subsidy to deliver a new viable future for the Strand frontage and a use which will deliver the greatest knock-on economic and public benefit within the surroundings.

The loss of these buildings must be considered in the context of the wider comprehensive regeneration scheme of which Nos.10-11 are located centrally within. The wider proposal would redevelop a prominent and substantially vacant town-centre site, introduce an active hotel and commercial use, improve the appearance and activity of The Strand frontage, enhance the rear of the site along The Terrace, provide a new pedestrian connection between The Strand and The Terrace and open up views towards The Terrace. Given the significant public benefits of the wider regeneration of The Strand, it is considered that such outweighs the total loss and identified substantial harm to the NDHAs (Nos.10-11 The Strand) and therefore the proposal is considered to comply with Policy HE7 of the NPPF.

Impact on Torquay Harbour Conservation Area

The proposed development involves the demolition of several buildings and the partial demolition of Nos. 7 and 8 The Strand, all of which are located within the Torquay Harbour Conservation Area.

Policy HE9 of the NPPF notes that not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with Policies HE5 and HE6 of the NPPF.

The new Torquay Harbour Conservation Area Character Appraisal identifies the former Debenhams buildings (Nos.12-14 The Strand) as an opportunity for enhancement. The Council's Conservation and Urban Design Officer has stated that the element of the proposed

development that incorporates the former buildings would increase the overall aesthetic quality of this element of the site. The Officer does raise some concerns regarding the level of glazing at high-level and the height and proportions of the building. Historic England has confirmed that the former Debenhams buildings are not NDHAs, having little architectural or historic value, therefore accepting the loss of these buildings. Historic Buildings & Places acknowledges that the former Debenhams buildings are of low heritage value. It is considered that Nos.12-14 do not contribute to the character or appearance of the Torquay Harbour Conservation Area. The Torquay Neighbourhood Forum raise concerns regarding the height of the proposed development which would be sited on the former Debenhams building and consider it causes substantial harm to both setting of The Terrace and the Torquay Harbour Conservation Area.

The existing cast-iron canopy and columns along The Strand would be removed as part of the proposed development, such are identified as positive contributors to the Torquay Harbour Conservation Area, however the current condition of the existing canopy and columns are deteriorating. Historic Buildings & Places has stated that the removal of the canopy and its columns with no replacement to provide any sort of alternative public amenity in terms of shading would be to the detriment of the character and history of the Torquay Harbour Conservation Area. The Council's Conservation and Urban Design Officer raises concern regarding the loss of the structures, but there is the opportunity to re-use and re-purpose elsewhere within the scheme.

The applicant undertook a separate pre-application enquiry with Historic England. Historic England support the principle of the regeneration of this part of Torquay and acknowledge that the redevelopment of the site has the potential to generate considerable economic, townscape and public realm benefits. The proposed central stepped access will open up views towards The Terrace from The Strand and create an improved pedestrian link to the street, which is considered to be an enhancement to the Torquay Harbour Conservation Area.

Historic England acknowledges that the hotel itself will reanimate and revitalise this part of Torquay Harbour, however they raise concerns regarding the height of several of the new hotel buildings as such would be significantly taller than the current structures and would create partial blocking effects in important views including across the harbour towards the hillside and to and from The Terrace. Historic England has stated that the height and partially blocked views would have a harmful impact on the heritage assets and could be partially avoidable with modest design changes. Historic England in both the pre-application enquiry and within this application have recommended rescaling and adjusting the position of the roof terrace level, but accept the principle of a larger building in this location, but have recommended a revision to minimise the harm identified whilst creating a better balance between conservation and regeneration aims. Overall, Historic England identifies that there would be harm to the Torquay Harbour Conservation Area given the design and scale of the proposed development and raise concerns about the impacts on the character and appearance of the Torquay Harbour Conservation Area. Historic Buildings & Places are also supportive of the principle of regenerating the site, but raise concerns regarding the design and scale of the proposed development the partially blocked views.

Impact on the setting of heritage assets

The supporting Heritage Impact Assessment identifies heritage assets which are with the highest chance of being affected by the proposed development:

- Parish Church of St John the Evangelist, Grade I
- 38 The Terrace, Grade II
- Higher Terrace, Grade II
- Lloyds Bank (No. 1 Vaughan Parade), Grade II
- No.2 Vaughan Parade, Grade II
- 3-15 Vaughan Parade, Grade II
- Maples, Grade II
- Clock Tower, Grade II
- Church of the Holy Trinity, Grade II
- Halden Pier, Grade II
- South Pier, Grade II
- The Fish Quay, Grade II

The aforementioned heritage assets have been graded (pink, amber, green) in relation to the impacts of the proposed development would have on such, this information can be found in Appendix F of the supporting Heritage Impact Assessment.

The Council's Conservation and Urban Design Officer has stated that the improved visual quality of built form and public realm are likely to result in minor enhancements to the setting of the identified heritage assets. However, the increased scale, massing and the extent to which the proposed development would obscure views currently afforded from various points around the harbour area would result in minor adverse impacts on the setting of the heritage assets. The greatest impact individually would be to those views afforded of Higher Terrace as highlighted in the submitted heritage statement. Collectively, the proposal would result in a loss of sense of evolution of the harbour-side area over time and its response to changing trends within the town.

The Council's Conservation and Urban Design Officer has concluded that the proposed development would result in low levels of harm to the setting of the surrounding heritage assets.

Impact on No.8 The Strand

These matters are considered in more detail in the accompanying listed building consent committee report. The submitted heritage statement is considered to appropriately assess the heritage significance of No.8 The Strand, its setting and its contribution to other designated heritage assets in its context.

The significance of the No.8 The Strand is mainly comprised of its historic, evidential, communal and architectural values. Overall, the building is considered to be of medium significance.

The supporting Schedule of Works provides a list of proposed external and internal works to No.8 The Strand, of relevance to this application are the external works:

- Ground floor – New opening in principle elevation where ATM is sited; new rear external wall to create rear service corridor and associated door opening into No.8; new front door

to match existing; repair and reinstatement of shutters; and reinstatement of 2 no. fanlight glazing units.

- First floor – New rear external wall including 3no. new windows to create service corridor; new slimline double-glazing units to be inserted into existing window frames; and repairs to existing window frames.
- Second floor – New rear external wall including 3no. new windows to create service corridor; new slimline double-glazing units to be inserted into existing window frames; and repairs to existing window frames.
- Third floor – New deep profile double glazed curtain walling system' new sedum green roof; and existing trusses and slate roof photographically recorded and removed.
- Front elevation – Full condition assessment to be undertaken; masonry repairs and cleaning as required; removal of unnecessary services; removal of existing slate roof and trusses behind parapet; existing parapet to front façade to be repaired, stabilised and weatherproofed; and insertion of new deep profile doubled glazed curtain walling system.
- Rear elevation – Removal of 1980s post modern standing seam tower housing lift and staircase; removal of rear stepped façade; and creation of new brick façade and heritage style windows to match front.

In terms of the assessment of the proposed works, the proposal would retain the principal front elevation of No.8 and the principal volume of the former banking hall. It would also provide for repairs and restorative works to the front elevation, the restoration of the coffered ceiling and corniced arcades, repairs to retained joinery and the reinstatement of appropriately detailed elements where previous alterations have diminished the building's character. The removal of the visually and architecturally unsympathetic 1980s rear lift tower is also considered beneficial.

However, the scheme requires substantial physical intervention. The principal sources of harm are:

- The removal of a considerable part of the existing roof and associated historic fabric to accommodate the additional storey;
- The height and form of the proposed roof-level addition above the historic roofline;
- The loss of historic glazing within the front elevation;
- The loss of rear secondary and service accommodation;
- The removal of the historic service passage and associated evidence of the building's original access and circulation;
- The formation of new openings and connections through historic fabric;
- The amalgamation of No. 8 into the wider hotel development, which would reduce the legibility of the building as a distinct historic property;
- The loss or alteration of internal walls, doors, ironmongery, stairs and other features contributing to the evidential value of the building; and
- The potential effect of new mechanical, electrical and ventilation infrastructure and its physical connection with the retained historic fabric.

Historic Buildings & Places raises concerns regarding the alterations to No.8 The Strand, they raise no concerns with the principle of the development, the redevelopment of the rear of the bank, or the reuse of the former bank as part of the hotel and recognise that some changes are needed to support this integration. However, Historic Buildings & Places state

that further options need to be explored to find alternative locations for the additional rooms behind the retained pitched roof.

The Council's Conservation and Urban Design Officer has stated that the proposed roof level extension would result in significant loss of fabric whilst also presenting avoidable issues such as the uncharacteristic use of glazing within the roofscape and the sheer expanse of flat roofs this would introduce, which are also visible from The Terrace. The roof of No.8 would be covered in a sedum blanket, reducing the expanses of exposed membranes. However, this nonetheless results in the loss of the traditional materials and character of the existing roofscape. The Officer notes that the roofs generally throughout the development, would require any guard rails for maintenance, such protection measures would further add to the visual impact of the roof level extension. The Officer has raised that any barrier will be highly visible due to their position, the height of the buildings and the public vantage points, stating that a handrail barrier would not be appropriate at No.8 or its neighbours. Plan reference 128-KEA-XX-XX-DR-A-12003-S2-P2 was also inconsistent with the addition of the "architectural chimney" added to the roof of No.8 via an updated plan. These concerns were passed onto the applicant and they have provided updated information. The Officer has reviewed this and has confirmed that this resolves the previous issues with inconsistency and the visibility of the barriers shown on the previous drawing. The revised approach would limit the visibility of the system due to its circa 300mm protrusion from the roof, the visually light weight nature of stainless-steel cables and the set-back position. The revised approach is mentioned as indicative so it is considered reasonable to recommend a condition which require adherence to the plan or to require updated details of the roof access and edge protection.

The Officer also outlines that the integration of No.8 The Strand into the wider development proposal would result in loss of special interest after being homogenized into a larger building complex, with a significant loss of original features and historic elements both internally and externally which would have an impact on No.8 The Strand's significance.

The proposed third-floor extension would extend beyond the height of the existing gable, introducing glazing, illumination and animation within the roofscape, something which the Council's Conservation and Urban Design Officer states such is currently an uncharacteristic feature. The third-floor extension and demolition at the rear of the building represents a significant loss of the fabric of the building, to the detriment of the building's aesthetic and evidential values, key elements of the significance of No.8. The proposed design for No.8 is considered to maintain a sense of verticality with strong floor-to-ceiling mullion features. The Council's Conservation and Urban Design Officer has confirmed that the restorative work to the front elevation is welcomed with the reinstatement of windows either in poor condition or where poor-quality replacements have been installed in the past. The demolition of the lift tower to the rear of the building is of little historic significance and its removal is not considered to result in harm to the significance of the building.

Historic England has stated that the additional storeys above and behind No.8 would lead to a considerable loss of the original historic fabric, including an entire roof. Historic England has confirmed that such would erode the architectural integrity and special interest of the building, whilst introducing alien materials and design, for example the extensive glazing and sedum roofing.

The Council of British Archaeology support the retention and adaptive reuse of No.8 The Strand. However, they are concerned about the extent of the proposed demolition of the listed building, including the historic staircase, the entire roof structure, and the rear rooms and all the rear external wall above the ground floor; in total, around 50% of the existing building. The Council of British Archaeology consider that the height and verticality of the design of the proposed upward extension is unsympathetic to the architecture of No.8, as they consider that the large areas of glazing and tall, narrow subdivisions of the proposed new top storey fails to respect this rhythm and has an unduly negative aesthetic impact on the listed building. The Council of British Archaeology do not object to the demolition of the existing lift tower.

Overall, it is considered that the removal of the existing non-original extensions to No.8 would result in enhancements by better revealing the building's significance, however the new openings would result in harm to a moderate degree of harm and the proposed alterations and extensions represent a considerable loss of historic fabric dating from the building's original construction in addition to cloaking the rear elevation and roofscape. The resulting harm would be caused to its architectural, historic, and evidential values and its significance. The Council's Conservation and Urban Design Officer has concluded that the proposed development would result in a high level of harm to No.8 The Strand which must be weighed against the public benefits of the scheme.

Conclusion

Overall, the proposal would result in a high level of harm to No.8 The Strand and the Torquay Harbour Conservation Area, harm to the setting of multiple heritage assets and substantial harm due to the loss of the NDHAs. The harm identified must be balanced against the public benefits that the proposal would deliver. This harm and the public benefits of the proposal will be weighed up in the planning balance and conclusion sections of this report.

Recognising the comments of the Council's Conservation and Urban Design Officer if permission is granted, planning conditions relating to the following should be employed:

- Assurance of build
- Building recording
- Schedule of works (including repairs) and timetable (in relation to No.8)
- Demolition Method Statement including structural report for adjacent buildings
- Hidden historic features (in relation to No.8)
- Restorative works to front elevation (in relation to No.8)
- Matching details
- Joinery details
- Materials
- Rainwater goods

It is considered that there is clear and convincing justification for the benefits associated with the proposed development and that when weighing the harm identified to the designated and non-designated heritage assets, the public benefits of the proposed development as a whole which are outlined within this report are considered to outweigh the harm identified. The proposal is considered to accord with Policies HE4, HE6, HE7, HE9 and HE10 of the NPPF and broadly accords with Policy SS10 of the Local Plan and Policy TH10 of the

Neighbourhood Plan. The report has identified harm to No.8 The Strand which would therefore conflict with Policy HE1 of the Local Plan.

4. Residential amenity

Chapter 17 of the NPPF has regard to ensuring that new development is appropriate for its location. Policy P3 of the NPPF guides that development proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Policy P3 of the NPPF goes on to state that any adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree.

In terms of location the application site is within Torquay Town Centre and is therefore considered to be in a sustainable location for the future use and well suited to a commercial use, presenting good opportunities for future visitors in terms of access to services, facilities and sustainable transport options.

Quality of tourist accommodation

The nationally described space standards that are also contained within Policy DE3 of the Local Plan do not apply to tourist accommodation. However, the internal environment of the proposed hotel rooms appears to be acceptable in terms of size, outlook and natural light levels.

Noise

The applicant has submitted a Noise Impact Assessment to support their application, which confirms that natural ventilation would not be suitable for the vast majority of guest rooms based on external noise intrusion through an open window. A mechanical ventilation strategy is advised to allow for a sealed façade that provides sufficient sound insulation without compromising on ventilation / overheating demands. With a sealed façade, suitable sound insulation is predicted to be provided by standard thermal grade double glazing.

The supporting Noise Impact Assessment confirms that the nearest noise sensitive receptors have been identified as residential dwellings on The Terrace, to the north of the site and the nearby hotels are located on The Terrace (Premier Inn) and The Strand (Hampton by Hilton). The potential noise impacts that have been assessed within the Noise Impact Assessment include noise from fixed plant equipment, noise from patrons of the 5th floor rooftop terrace bar, noise from construction processes and noise from deliveries/servicing.

The Council's Senior Environmental Health Officer has been consulted on the application and raised that the Council would normally expect new building services plant to achieve a rating noise level of 5dB below background, however the plant noise limits proposed in the supporting report are equal to the background noise level. The Noise Consultant has confirmed that the rating level of any fixed plant does not exceed the typical lowest background sound level, which they considered to be a suitable compromise between the acoustics and sustainability targets for the project. The proposed limits (and predicted facade levels) are low in absolute terms, and are predicted to result in suitable internal noise levels at the off-site receptors with windows open (based on BS 8233 recommendations). Should the plant noise be reduced further, this would lead to higher mechanical loads and more

mechanical mitigation being required (with associated operational and embodied carbon costs), and would not result in a measurable / noticeable benefit to occupants of the nearest noise sensitive receptors.

In terms of noise from patrons on the 5th floor rooftop terrace bar, the Council's Senior Environmental Health Officer agrees that the change in average noise levels would be small, however the impact of noise from the terrace is not considered to be reliably assessed by considering the average sound pressure level alone. Therefore, the Noise Consultant reviewed the range for speech (500 Hz - 2 kHz), the predicted noise incident from the terrace is 0 - 4 dB below the existing noise level at the receiver (predicted based on measurements), with overall noise predicted to increase by 2 dB. The Consultant has outlined that this will of course vary as noise from road traffic and from the terrace fluctuate throughout the day, with the worst-case being when roads are completely quiet and the terrace is fully occupied, although this scenario would be atypical in a given day. The Consultant suggested that mitigation for such could be through solid balustrading and by the entrance having a transient space rather than seating. The Council's Senior Environmental Health Officer has recommended that a planning condition is employed to secure a management plan for the terrace that includes music, nature of the use, deliveries, servicing, etc. as well as a planning condition to limit the hours of use on the terrace.

Noise arising from construction processes and noise from deliveries/servicing can both be dealt with via suitably worded planning conditions which are recommended at the end of this report.

Adjacent neighbouring amenity

Policy DE3 of the Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers. Policy DE3 of the Local Plan states that development should not unacceptably impact upon the amenities of neighbouring occupiers in terms of their outlook, privacy, or access to natural light. Objectors have raised concerns regarding noise, disturbance, loss of light, privacy/overlooking, and the proposal having a negative impact on residential amenity. Whilst letters of support have stated that the proposal would have a positive impact on residential amenity.

The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through positively managing the process through a Construction/Demolition Management Plan, this is recommended as a planning condition.

The applicant has provided several sections of the proposed development and The Terrace, such demonstrates that the proposed development would have an acceptable relationship with The Terrace in terms of outlook, privacy and access to natural light.

In terms of the finished development, the commercial use will align with nearby commercial uses. A planning condition is recommended to remove permitted development rights in relation to changes of use to residential.

Policy P4 of the NPPF outlines that existing businesses, community facilities, public services and defence and security activities (including pubs, music venues and places of worship) should not have unreasonable restrictions placed on their current or permitted operation as

a result of development permitted after they were established. The proposed use aligns with the nearby commercial, tourism and residential uses. The proposed use would not result in undue noise or general disturbance, noting that there are other nearby examples of hotels (Hampton by Hilton and Premier Inn). The rooftop terrace is the exception as neither hotel offers such, however subject to planning conditions recommended at the end of this report relating to hours of use and a management plan for the roof terrace, such would mitigate any undue noise and disturbance.

Given its siting, scale, and design, it is considered that the proposal would not result in any detrimental harm to the amenities of the occupants of neighbouring buildings in terms of their privacy, outlook, or access to natural light.

External lighting can also have implications on adjacent neighbours, therefore the Council's Senior Environmental Health Officer has recommended a planning condition is secured for external lighting. The Council's Senior Environmental Health Officer has also recommended that a planning condition is secured for commercial kitchen extraction systems to ensure smoke, grease and odour emissions are controlled and do not negatively impact upon adjacent and future occupiers.

Contaminated land

The supporting Phase 1 Desk Study Contamination Report recommends that a further intrusive investigation is carried out, therefore a planning condition is recommended to secure a full investigation of the site for contamination.

Conclusion

Having regard to the amenities provided within the proposal for future occupiers and the future relationship of the development with adjacent properties and occupiers, it is considered subject to the aforementioned planning conditions that the majority of the scheme broadly aligns with the aims and objectives of Policy DE3 of the Local Plan, and Policies P3 and P4 of the NPPF.

5. Highways, movement and parking

Chapter 15 of the NPPF aims to ensure that transport considerations are taken fully into account in the evolution and assessment of development proposals. Policy TR3 of the NPPF outlines that development proposals which could generate a significant amount of movement should be in sustainable locations, limiting the need to travel. Policy TR4 of the NPPF outlines that to contribute to creating well-designed places, transport considerations should be integral to the design of development, including provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan, and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations. Policy TR6 of the NPPF confirms that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

Policy TA1 of the Local Plan sets out promoting improvements to road safety. 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 development proposals are expected to meet the guideline requirements as set out in Appendix F of the Local Plan. 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. Furthermore, Policy TH9 of the Neighbourhood Plan confirms that new major developments must contribute to better pedestrian/cycle links where possible and encourage modal shift towards active travel. Policy THW5 of the Neighbourhood Plan outlines that to encourage the use of sustainable forms of transport, new development proposals will be supported where they are located on or near to public transport routes wherever possible and appropriate.

Objectors have raised concerns regarding traffic and access including the lack of parking provision and the manoeuvrability of service vehicles for the proposal. Concerns have also been raised regarding sustainable transport access. Supporters of the scheme have stated that the proposal would make highways matters better.

The site is bounded by The Strand to the south and The Terrace to the north, which form its primary points of access. There is an approximate 15 metre change in levels across the site between these two frontages. The site is located opposite Torquay Harbour at the southern end of Torquay town centre. The site is in a sustainable location and has good public transport connectivity, with the nearest bus stop being some 50 metres away on Cary Parade, Torquay train station being 1.5km to the west and 5no. public car parks nearby. The application has been supported by a Transport Assessment and Travel Plan, which WSP on behalf of the Highway Authority have reviewed. Active Travel England were consulted and have confirmed that their standing advice applies.

Trip generation

The applicant has provided trip rates derived from TRICS to compare the existing use to the proposed use. The Highway Authority have reviewed the submitted information, stating that trip rates show a worst case of 67 total vehicle trips occurring from the development in the PM peak. The Highway Authority have concluded that based on these trips not directly accessing the hotel, but utilising nearby public car parks, these trips would dissipate within the surrounding area and would not be anticipated to significantly impact the local highway network.

Highway safety

The Transport Assessment has provided collision analysis from between 2020-2024, which outlined that there have been 10 casualties during this period, with 1 being a collision. The Highway Authority has confirmed that there are no significant highway safety issues present in vicinity of the site. The applicant also further notes that recent public realm improvements on The Strand further improve road safety in the area. The Highway Authority are satisfied with the approach.

Pedestrian, cycle and public transport access

Pedestrian access to the site is via The Strand to the south and The Terrace to the north. The proposed development includes a new stepped connection through the centre of the site connecting The Strand with The Terrace, such is termed the 'stepped street'. The proposed development enables the future operators of the hotel to provide a step-free route via the hotel's internal lifts, alternatively there is a step-free route achieved via Fleet Street. This is considered to conform with Active Travel England's standing advice which outlines that footpaths/ways should be safe, direct, convenient and accessible for people of all abilities. The proposal also includes a new pedestrian crossing location on The Strand immediately outside of the hotel entrance, the submitted plans demonstrate that suitable pedestrian visibility can be achieved.

The Torbay cycling map includes an advisory cycle route along The Strand, the proposed development will not impact this route. The Local Cycling and Walking Infrastructure Plan (LCWIP) proposes upgrades to The Strand as part of the Beaches Trail - Local Cycling and Walking Infrastructure Plan - Torbay Council. The recommended improvements to the Strand include delivering a new segregated cycle route, linked to The Strand Townscape Improvements scheme which will reinforce the quality of this area. This section connects to the Torquay Town Trail and Babbacombe Road cycle scheme.

Active Travel England's standing advice confirms that cycle parking should be provided in accordance with up-to-date local standards. Appendix F of the Local Plan states that for non-domestic uses, 1no. space per 2no. employees is required. The proposed provision appears suitable for the number of employees within the hotel and commercial uses. The Highway Authority have confirmed that it is reasonable to utilise the existing public cycle parking on The Strand for visitors to the commercial units.

The site is located in a prominent position in Torquay town centre, and as such benefits from a good level of public transport provision in respect to both bus and rail travel. The nearest bus stops are located on Cary Parade, which comprise sheltered waiting areas. The Highway Authority initially asked the applicant to identify any improvements to the existing bus stop, however subsequent confirmation has been received that upgrades have taken place and the Highway Authority are therefore satisfied that no planning obligations for such are required.

Vehicle access and parking arrangements

The site is in a sustainable location and therefore the applicant has pursued a car-free approach, therefore there is no on-site parking for visitors, customers or staff. There are several nearby 24/7 public pay and display car parks (Harbour, Meadfoot Road, Beacon Quay) that would be suitable for accommodating the additional parking demand for 144no. spaces given the proposed hotel and 53no. spaces for the commercial units. The Highway Authority have confirmed that they accept that the parking demand would dissipate into surrounding car parks.

The proposal also includes a baggage drop off and concierge system operating from a layby on The Strand. The servicing for the commercial units will also take place from the layby on The Strand. The servicing for the hotel will be via a lay-by located within the new public courtyard on The Terrace. The proposed arrangements indicate that hotel waste will be collected from The Terrace, with the bin store positioned close to the carriageway, while retail

waste will be collected from The Strand. It is noted that refuse vehicles will share the same access lay-bys as servicing vehicles. Manual for Streets recommends a maximum drag distance of 25 metres between the bin storage point and the collection point by a refuse vehicle. The applicant has ensured that the bin store locations comply with this drag distance.

The Highway Authority have confirmed that they are satisfied with the submitted Travel Plan, a planning condition is recommended to secure such and a legal agreement is required to secure the Travel Plan monitoring fee.

Conclusion

The Highway Authority have not raised an objection to the proposed development and are satisfied with the clarification sought from their initial consultation response. Planning conditions are recommended at the end of this report to cover all relevant highway related matters. Subject to the planning conditions included at the end of this report, the proposal is considered to comply with Policies TA1, TA2, TA3 and W1 of the Local Plan, Policies TH9 and THW5 of the Neighbourhood Plan and Policies TR3 and TR4 of the NPPF.

6. Ecology, biodiversity and trees

Chapter 19 of the NPPF provides the framework for influencing the design and location of new development to help drive nature's recovery and contribute to wider environmental outcomes. Policy N2 of the NPPF outlines that development proposals should contribute positively to the natural environment and support nature's recovery including minimising any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Policy N2 of the NPPF confirms that development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective.

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Neighbourhood Plan outlines that the development of new homes, or a new commercial property or business premises of any class, on an unallocated site that could have an impact on a protected species or habitat must provide, as appropriate, an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

The application has been supported by the Council's Wildlife and Geology Trigger Table, an Ecological Appraisal, a Shadow Habitat Regulations Assessment, and a Biodiversity Net Gain Metric. The application site is entirely urban, with very few opportunities for habitats and protected species. Objectors have raised concerns regarding the impact the proposed development would have on wildlife.

Lyme Bay and Torbay Marine Special Area of Conservation (SAC)

The site is approximately 30m north of functionally linked land associated with the Lyme Bay and Torbay SAC. Qualifying features are reefs, sea caves and great white sharks.

The potential threat of increased public access and disturbance to the sea caves has been raised in the SAC Site Improvement Plan (SIP). The Ecologist has confirmed that subject to

a planning condition to secure a Construction and Environmental Management Plan (CEMP), there will be no adverse effect on the integrity of the SAC.

The Local Plan Habitat Regulations Assessment (HRA) and Neighbourhood Plan HRA screen in a Likely Significant Effect on the Lyme Bay & Torbay Marine Special Area of Conservation (SAC) from the potential impact of the future growth areas on water quality. Policy W5 of the Local Plan outlines what is required to satisfy a conclusion of no adverse effect on the integrity of the Lyme Bay & Torbay Marine SAC. The Ecologist has reviewed the applicant's Shadow Habitat Regulations Assessment and has confirmed that subject to a planning condition to secure a CEMP, such would not have an adverse effect on the integrity of the SAC. It is therefore the Local Planning Authority's intention to adopt the shadow HRA to fulfil our duty as the competent authority. The mitigation measures of a Construction and Environmental Management Plan is recommended to be secured by planning condition. Natural England confirmed during the course of the application that the proposal is not likely to have a Likely Significant Effect on the Lyme Bay & Torbay Marine SAC. Natural England have been asked for clarification that their comments relate to the Council's intention to adopt the Shadow HRA and Members will be verbally updated on this at Planning Committee.

South Hams Greater Horseshoe Bat Special Area of Conservation (SAC)

The application site is located within landscape connectivity zone of the South Hams Greater Horseshoe Bat SAC. The proposed development will not result in any habitat loss to flight routes within the SAC. The Council's Ecologist has confirmed that a HRA is not required.

Bats

The supporting ecological information confirms that bat roosts have been identified on-site and external lighting has potential to disturb them as they emerge / commute / forage within and around the site. The Ecologist has confirmed that the mitigation measures included within the Ecological Appraisal are considered adequate, a planning condition is recommended to secure such as well as external lighting.

Within the supporting ecological information, nocturnal surveys identified 3 common pipistrelle roosts. The proposal involves demolishing all roofs on site, therefore the proposal to remove these buildings would result in the damage/destruction of the identified roosts on site. The proposed mitigation for such includes an application for a European Protected Species Licence from Natural England.

As the proposal would trigger a Habitats Regulations offence (destruction/obstruction of roosts), the Local Planning Authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant a European Protected Species Licence which would permit the proposal to lawfully proceed. The three derogation tests are outlined below:

- 1) Imperative Reason Overriding Public Interest - The proposal would result in the provision of a 144-bedroom hotel and new commercial units, whereas the existing site contains several vacant units. The proposal would deliver a significant regenerative benefit for Torquay Harbourside, make effective use of previously developed land. It would also

deliver tangible economic benefits to the local building trade in the construction of the development and subsequent patronage of local services by future visitors.

- 2) No Satisfactory Alternative – The regeneration of town centre areas is very strongly supported in the Local Plan, and there is a strong support for Town Centre, Harbourside and Waterfront regeneration. The site is a prime harbourside location that has been identified for many years as a regeneration opportunity. The current proposal represents a more comprehensive regeneration of this part of the Strand than the approved planning application (ref: P/2022/0806) for the former Debenhams building. It is considered that there is no satisfactory alternative to deliver these regeneration aims elsewhere.
- 3) Maintenance of Favourable Conservation Status - The ecology report sets out mitigation measures which Devon County Council's Ecologist has confirmed that they consider would satisfy this third test, subject to a planning condition imposed requiring adherence to the Ecological Appraisal would likely retain the favourable conservation status of the roost.

Nesting birds

It is noted that works to all buildings have the potential to harm nesting birds if present at the time of works being undertaken. A planning condition is recommended in relation to vegetation clearance to ensure that any nesting birds are not disturbed.

Overall, the Ecologist has recommended several planning conditions found at the end of this report which relate to external lighting, accordance with the Ecological Appraisal, vegetation clearance and securing a CEMP.

Biodiversity Net Gain

In England Biodiversity Net Gain (BNG) has been mandatory from 12 February 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 applicant has submitted all the relevant BNG information to accompany the application. The Council's Ecologist is satisfied that the mandatory BNG Metric has been appropriately completed and BNG can be achieved on-site. The BNG assessment outlines that the baseline on-site habitat units is 0.23 units and the post-development on-site habitat units increases to 0.39 units, demonstrating that the minimum 10% gain can be achieved on-site. The Ecologist has confirmed that the final BNG position will be confirmed through the submission of a pre-commencement Biodiversity Gain Plan, such is recommended as an informative at the end of this report.

Subject to the aforementioned planning conditions, the proposed development is considered to accord with Policies NC1 and W5 of the Local Plan, Policy TE5 of the Neighbourhood Plan and Policy N2 of the NPPF.

Trees and landscaping

Policy N3 of the NPPF recognises that trees can provide for biodiversity, climate change mitigation and adaptation, and the character and quality of the built environment. Policy C4 of the Local Plan states 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.

Objectors have raised concerns regarding the management of the proposed landscaping. SWISCo's Senior Tree Officer has been consulted on the application. The application is supported by a BS5837 appraisal of the trees where present within the application area. The Officer is in agreement with the categorisation of the trees as being low-quality. The development proposes the loss of all the trees within the application area. Given the low-quality of the trees and their limited contribution to the setting of the Conservation Area, mitigation through replacement planting is a reasonable way forward.

The Officer has reviewed the indicative green infrastructure strategy and considers it is well thought out as a concept and should deliver high-quality urban greening in both private and public realm elements. The proposed soft and hard landscaping demonstrates a consistent theme of layout and permeability, with planted elements which reflect the local environment and exotic planting themes associated with Torbay and its coastal climate, to which the Officer supports. The Officer has highlighted that there are opportunities to compliment the existing landscaping within the public realm along The Strand and that any trees within planters or within below ground planting pits should have adequate soil rooting volume to ensure their species potential and consideration should be given to irrigation and attenuation.

The Officer has reviewed the indicative planting for the 'stepped street' noting such reflects local conditions and will likely change light levels. The Officer has noted that the rain garden element requires consideration, details will be required for the integration into the proposed drainage systems to ensure it has adequate irrigation and drainage capacity.

The Officer has highlighted that trees may create future conflict if they obscure views currently afforded from properties on The Terrace, therefore careful positioning and species choice will be required. The Officer recommends that a planning condition should be employed to secure details of hard and soft landscaping, including their integration into a sustainable urban drainage system for surface water management.

SWISCo's Senior Tree Officer has raised that any trees or soft landscaping within the public realm which will be maintained by the Council/SWISCo will require commuted sums to cover the expected costs. The Council's Planning Contributions and Affordable Housing Supplementary Planning Document is silent on the matter of landscaping maintenance contributions. The Council's Principal Policy and Project Planner has stated that the applicant should prepare a method statement setting out how maintenance will be achieved and this will be secured via a soft landscaping condition. It is therefore not considered to be reasonable to require such through a planning contribution.

Subject to the aforementioned planning condition, the proposal is considered to comply with Policy C4 of the Local Plan, and Policy N3 of the NPPF.

7. Flood risk and drainage

Chapter 18 of the NPPF aims to minimise risks to development arising from all sources of flooding and coastal change, taking into account the impacts of climate change, by steering development away from areas of risk, ensuring that development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems

where appropriate. Policy F5 of the NPPF outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Policy F6 of the NPPF confirms that development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, Table 3 of the NPPF. Policy F7 of the NPPF states that development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere. Policy F8 of the NPPF confirms that development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal.

Policy ER1 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. Policy ER2 of the Local Plan includes reference that development proposals should seek to minimise the generation of increased run-off, having regard to the drainage hierarchy, whereby surface water will discharge following the hierarchy of i) an adequate infiltration system (for example swales, soakaways, infiltration basins, filter drains, rain gardens), or where that is not reasonably practicable; ii) a main river or water course, or where that is not reasonably practicable; iii) a surface water sewer or highway drain, or in the last resort where none of the above are reasonably practicable; iv) to a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield discharge rates.

The frontage of the site is located on the edge of Flood Zone 2, with the remainder of the site being located within Flood Zone 1 and the Critical Drainage Area as designated by the Environment Agency. It is also important to note that part of the site is at risk from surface water flooding. The application has been supported by a Flood Risk Assessment which includes the foul and surface water drainage strategy, which has been reviewed by the Council's Drainage Engineer. The Environment Agency have stated that their Flood Risk Standing Advice applies. The application is also supported by a Pollution Prevention Plan.

The Council's Drainage Engineer has confirmed that providing the development is constructed in accordance with the site-specific flood risk assessment, they raise no objections on drainage grounds to planning permission being granted for this development. A planning condition is therefore recommended to ensure that the development is carried out in accordance with the site-specific flood risk assessment which includes the foul and surface water drainage strategies.

Annex F, Table 3 of the NPPF confirms that the Exception test is not required as the part of the application site within Flood Zone 2 would have two flood risk vulnerability classifications - 'less vulnerable' for the commercial elements and 'more vulnerable' for the hotel element as confirmed by Annex F, Table 2 of the NPPF. Policy F5 of the NPPF confirms that where the sequential test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The proposal is subjected to the Sequential test, however given that the proposal requires a waterfront location within a town centre; be within Torbay's administrative boundary; deliver a regenerative benefit for the waterfront, town centre and wider area; comprise of previously developed land; be actively marketed; and have no

planning permission, the applicant has demonstrated that there are no reasonably available lower risk sites suitable for the proposed development

The existing and proposed built form is adjacent to the Coastal Change Management Area and part of the application site is within this designation, as defined by Policy C3 of the Local Plan.

Policy C3 of the Local Plan states that development in the area or reliant upon services within it, will be considered in the context of the Shoreline Management Plan and should meet the following criteria:

1. It does not adversely affect the natural and historic environment of the area, including geodiversity, maritime archaeology, marine ecology and the integrity of sites protected under European legislation;
2. It is appropriate for a coastal location and would not adversely affect or conflict with those aspects of the local economy which are dependent on the sea and a coastal location;
3. It will be safe through its planned lifetime without increasing risk to people or property and does not create a need for significant further coastal protection and sea defence works in undeveloped or developed coastal locations, or inhibit the ability to access, maintain and/or improve existing sea defence or coastal management assets;
4. It does not adversely affect sites or areas at risk from flooding, erosion and land instability arising from maritime influences;
5. In the exceptional circumstances where the proposal requires a coastal location, the developed coast will be the preferred area for development, provided that such schemes contribute to its physical regeneration and environmental enhancement; and
6. It is compatible with the character and landscape protection policies affecting the coast, does not compromise coastal routes and where practical enhances public access.

The proposal is considered to meet the all the criteria outlined by Policy C3, whilst there is harm identified within this report such is not considered to 'adversely affect' the historic environment and as such is not considered to conflict with the policy. As for the remaining criteria, the proposal is appropriate for a coastal location that will support and enhance the local economy, ensure it is safe throughout the lifetime of the development, and will contribute to the physical regeneration of the area.

Subject to the aforementioned planning conditions, the proposal is considered to comply with Policies C3, ER1 and ER2 of the Local Plan and Policies F5, F6, F7 and F8 of the NPPF.

8. Designing out crime

Policy P5 of the NPPF outlines that development proposals should anticipate and address possible malicious threats and other natural or man-made hazards.

Policy SS11 of the Local Plan seeks that development proposals should help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict. Policy TH2 of the Neighbourhood Plan sets out that new development should provide a safe environment and consider opportunities to prevent crime or the fear of crime from undermining quality of life or community cohesion.

The application has been supported by a section within the submitted Design and Access Statement in relation to 'Crime Prevention'. This sets out the following measures incorporated into the design to reduce opportunities for crime and enhance community safety:

Natural Surveillance

The layout of the development promotes good natural surveillance of access routes, entrances, and communal areas, whilst hotel bedroom windows have been positioned to overlook the stepped street. Boundary treatments and landscaping are designed to avoid creating unnecessary visual barriers.

Access and Movement

The site layout discourages unauthorised access by clearly defining public and private spaces, both externally and internally. Entrances are visible, well-lit, and limited in number to reduce opportunities for intrusion. As part of the access strategy, the public will be able to use the vertical lifts within the building to access the rooftop bar and use them as an alternative to the stepped street. Access control for bedroom corridors will restrict movement and provide security to only paying hotel guests.

Lighting

Adequate external lighting will be provided to enhance visibility and deter criminal activity as evidenced in the accompanying Lighting Strategy. All lighting will comply with relevant British Standards and ensure even illumination.

Physical Security Measures

Doors and windows will meet or exceed PAS 24 or equivalent standards with secure locking systems installed, and laminated glazing to improve resistance to forced entry. External storage such as the bike stores are for staff only and are situated to the rear service corridor – not accessible or visible to the public.

Boundaries and Defensible Space

Boundary treatments such as fencing and hedging will define the perimeter to the Terrace and discourage trespass. Whilst on the Strand, frontages will remain open and overlooked from the street. There are limited private amenity areas to the rear of the development which will be enclosed with secure fencing.

Parking and Vehicle Security

Parking is not provided on site with this development – drop off and a concierge service will be employed. Guests will be provided with suggestions of local car parking options, the majority of which are council provided.

Landscaping

Planting is designed to maintain visibility, avoiding creation of hiding places. And low-level shrubs and appropriately spaced trees preserve sight lines. Landscaping is also used to provide defensible space adjacent to hotel guest rooms along the stepped street.

Devon and Cornwall's Police Designing Out Crime Officer offers their support for the measures outlined above. The Officer has made comments around access controls, CCTV cameras, door mechanisms, external furniture, lighting, seating design and wayfinding. They

note that it is welcomed that the design appears to have no recessed doorways and concealed areas are limited which will improve the level of surveillance opportunities and reduce cover for criminal and unwanted behaviour. It is also welcomed that the public realm areas appear to be inviting and the pathways wide, and a good level of natural surveillance which will hopefully make this a main route for pedestrians to use rather than using other poorly lit and unobserved pathways within close proximity of the proposed development.

The Officer has consulted with their Counter Terrorism Security Advisors who have advised that robust means of preventing vehicles entering pedestrian areas needs to be included, with bollards at the foot of the ramps and adjacent to the glazed entrance to the rooftop bar. The road crossing should similarly have some means to prevent hostile vehicles diverting off the carriageway to threaten pedestrians. Following these comments an updated landscaping masterplan has been submitted which details anti-terror bollards. The Officer has reviewed this updated plan and has confirmed that the bollards appear to be in suitable locations, however there needs to be no more than 1.2m spacing between each bollard. The standards of the bollards being installed would also be required. The final detailing including the siting and specification of the bollards is therefore recommended to be secured by condition.

The Officer has also recommended that planning conditions are employed to secure the crime prevention measures detailed in the Design and Access Statement and that the lighting of the public realm area meets BS: 54859:2000 standard.

The Council's Principal Policy and Project Planner notes that the proposal contains a rooftop bar and it is possible that the ground floor use could also entail the sale of alcoholic drinks. Policy TC5 of the Local Plan states that uses or developments that have an impact upon town centre monitoring, maintenance or policing will be required to make appropriate contributions towards the costs of any such monitoring, maintenance or policing arising from the development. The Planning Contributions and Affordable Housing SPD advises that contributions will be sought to ensure that measures are carried out to make development acceptable in planning terms. No request for any monitoring contribution has been made by the Police Designing Out Crime Officer, and it is considered that the measures detailed within the crime prevention statement, coupled with the conditions recommended by the Officer are adequate in designing out opportunities for crime, antisocial behaviour, disorder and community conflict. A planning contribution is therefore not considered necessary in this instance.

Subject to the aforementioned planning condition, the proposal is considered to accord with Policy SS11 of the Local Plan, Policy TH2 of the Neighbourhood Plan and Policy P5 of the NPPF.

9. Low carbon development and energy

Chapter 5 of the NPPF supports the transition to net zero by 2050 and aims to shape places in ways which are more resilient to the effects of climate change. Policy CC2 of the NPPF outlines that development proposals should contribute to climate change mitigation and the transition to net zero by prioritising sustainable patterns of movement, supporting good access to facilities in order to limit the need to travel, and using design approaches which conserve energy and other resources. Policy CC3 of the NPPF confirms that development proposals should take into account the current and potential impacts of climate change over

the lifetime of the scheme, which includes being located where the risk of flooding is minimised, or can be managed and the development made safe without increasing risk elsewhere; incorporating sustainable drainage systems to manage surface water flow rates; and using design approaches which minimise risks from overheating.

Policy SS14 of the Local Plan supports national guidance and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 of the Local Plan states that the Local Plan will seek to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other energy consumption) are limited. All major development proposals should make it clear how low-carbon design has been achieved, and how the following sequential energy hierarchy has been applied in doing so. Proposals should identify ways in which the development will maximise opportunities to achieve the following:

1. Conserve energy by reducing energy demand through siting and design. This includes the use of building orientation, layout and landscaping to optimise solar gain, ventilation and cooling;
2. Use energy efficiently within the fabric of the building;
3. Incorporate the use of decentralised heat, cooling and power systems; and
4. Use on-site or near-site renewable technologies to achieve further reductions in carbon emissions.

Torbay Council declared a climate emergency in 2019 and is working towards becoming a net zero area by 2050. The application is supported by a Sustainability Checklist and a Sustainability Energy Strategy.

The Council's Climate Strategy & Project Officer has reviewed the application and has noted that they welcome the submission of an energy & sustainability statement which includes commitment for the following elements:

- Use of the energy hierarchy and the 'be clean, be lean and be green' principles
- Fabric first approach
- Use of ASHP's to provide heating and hot water for the development
- Use of MVHRs to increase the resilience of the development to impact of a changing climate
- Use of solar PV to offset some of the electricity costs from heating and carbon emissions

The Officer has recommended planning conditions to secure the energy efficiency measures, renewable energy, sustainable design principles, water conservation and climate change adaptation measures into the design and construction of the development in full accordance with the energy and sustainability statement.

Subject to the aforementioned planning conditions, the proposal is considered to accord with Policies ES1 and SS14 of the Local Plan, and Policies CC2 and CC3 of the NPPF.

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. The application has been supported by a Sustainability Checklist. Each of which shall be discussed in turn:

The Economic Role

Regeneration is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development and through the operation of the future uses (hotel and commercial units). The supporting Economic Case Statement provided by Hardisty Jones states that the estimated total construction cost would be £54 million, which increases to £67 million if an optimism bias of 24% is included. The gross direct construction sector employment from the proposal is estimated to generate £14 million in wages and £34 million of Gross Value Added over the entire construction phase. The proposed commercial units could support 12 full-time equivalent jobs, whilst the proposed hotel will support approximately 115 gross direct full-time equivalent jobs and approximately 63 net additional local full-time equivalent jobs.

The Hardisty Jones statement states that the proposed hotel development has the potential to attract 85,610 visitors and VisitBritain provides a value of the average day visit spend per visitor of £53. It is important to consider that there would be an increase in the level of disposable income from the visitors some which would be likely to be spent in the local area on travel, food and beverage, tourist activities and retail.

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 is the regeneration of a key site within the Torquay Town Centre. Chapter 8 of the NPPF promotes the long-term vitality and viability of town centres by prioritising them as locations for main town centre uses and allowing them to adapt to changing community and business needs. The Development Plan also raises support for the regeneration of town centres.

The proposal introduces new commercial units, additional facilities and amenities and significant levels of landscaping and outside public space. The 'stepped street' will provide an element of landscaped public open space, which is considered a social benefit of the scheme to the future visitors and wider public.

The retention and works to the Grade II listed No.8 will provide a future viable use for the listed building.

Impacts on neighbour amenity have been discussed above where it is concluded that the proposal does not cause significant harm to residential amenity.

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, for reasons set out in this report there is considered to be a high level of harm to the identified heritage assets of No.8 The Strand and the Torquay Harbour Conservation Area and substantial harm to the

identified non-designated heritage assets of Nos.10-11 The Strand. There is also considered to be a low level of harm to the setting of the surrounding heritage assets (Parish Church of St John the Evangelist, Grade I; 38 The Terrace, Grade II; Higher Terrace, Grade II; No.2 Vaughan Parade, Grade II; 3-15 Vaughan Parade, Grade II; Maples, Grade II; Clock Tower, Grade II; Church of the Holy Trinity, Grade II; Halden Pier, Grade II; South Pier, Grade II; and The Fish Quay, Grade II).

Other elements that are considered to be especially relevant to the proposed development are impacts on ecology, landscaping, biodiversity and drainage. The proposal also provides low carbon and energy efficiency measures. These matters have been considered in detail above and weigh in favour of the proposal.

The proposed development is located in a sustainable location within close proximity to local amenities and public transportation links. This weighs in favour of the proposal.

It is concluded that the environmental impacts of the development, due to the adverse impact on the heritage assets weigh against the development, however the positive elements of the proposal in terms of a sustainable location, low carbon and energy efficiency measures, landscaping and drainage weigh in favour.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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

CIL:

In terms of the Community Infrastructure Levy (CIL), the Council now charges CIL on commercial developments within two charging zones: Town Centres, St. Marychurch and Preston District Centres; and Everywhere else (including The Willows District Centre). The application site would fall within the first of these. For Class A1, A2, A3, A4, A5, B, D1, D2, C1, C2 and C2A uses within charging zone 1 the rate is £0 per square metre of new gross internal floor space.

Travel Plan:

As per Section 2.16 of the Council's Planning Contributions and Affordable Housing Supplementary Planning Document, a monitoring contribution will be sought towards the Council monitoring the effective implementation of travel planning measures.

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. The development does not meet the thresholds for screening and is not in a sensitive area.

HRA:

The Local Plan Habitat Regulations Assessment (HRA) and Neighbourhood Plan HRA screen in a Likely Significant Effect on the Lyme Bay & Torbay Marine Special Area of Conservation (SAC) from the potential impact of the future growth areas on water quality. Policy W5 of the Local Plan outlines what is required to satisfy a conclusion of no adverse effect on the integrity of the Lyme Bay & Torbay Marine SAC. The Council's Ecologist has confirmed that subject to a planning condition to secure a CEMP, such would not have an adverse effect on the integrity of the SAC. Natural England confirmed during the course of the application that the proposal is not likely to have a Likely Significant Effect on the Lyme Bay & Torbay Marine SAC. Natural England have been asked for clarification that their comments relate to the Council's intention to adopt the Shadow HRA and Members will be verbally updated on this at Planning Committee.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal and Development Plan policies.

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.

Development Plans often contain policies that pull in different directions, and it is sometimes difficult to come to a view whether a proposal is in accordance with the Development plan "taken as a whole".

The public benefits in the form of the economic, social and environmental include the regeneration of a key harbourside location where several buildings have been vacant and underutilised for many years. This will result in a key driver of economic growth in terms of construction and post-construction employment and expenditure. The proposed development would assist in revitalising Torquay Town Centre including introducing new commercial units, additional facilities and amenities for both residents and visitors of Torbay. The proposal would result in enhanced public realm and accessibility within Torquay Town Centre that would have a wider public benefit. The retention and proposed works to No.8 The Strand will provide a future viable use for the listed building having been vacant and underutilised for several years. The proposed development would provide a robust and compatible

landscaping scheme that would create ecological opportunities and soften the proposed built form within the built environment. The proposed scheme would also deliver a net gain in terms of biodiversity and positively introduce low carbon and energy efficiency measures.

Policy S3 of the NPPF outlines that decisions on development proposals should apply a presumption in favour of sustainable development and confirms that Policy S4 should be applied when considering development proposals within settlements.

Policy S4 of the NPPF outlines that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. In applying Policy S4, the Policy notes that the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects. These are listed within the Policy as a, b and c. When assessing the proposal against parts a, b and c, it is considered that the proposal does not result in any substantial adverse impact and therefore does not conflict with Policy S4.

The report confirms the following adverse impacts of the proposed development which includes the loss of the 3no. residential units and a high level of harm to the identified heritage assets of No.8 The Strand and the Torquay Harbour Conservation Area, and substantial harm to the identified non-designated heritage assets of Nos.10-11 The Strand. There is also considered to be a low level of harm to the setting of the surrounding heritage assets (Parish Church of St John the Evangelist, Grade I; 38 The Terrace, Grade II; Higher Terrace, Grade II; No.2 Vaughan Parade, Grade II; 3-15 Vaughan Parade, Grade II; Maples, Grade II; Clock Tower, Grade II; Church of the Holy Trinity, Grade II; Halden Pier, Grade II; South Pier, Grade II; and The Fish Quay, Grade II).

Great weight should be given to the conservation of designated heritage assets. It is also incumbent on the Authority, in exercising its duties, under the provisions of The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66(1)), 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, and (Section 72(1)), to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Policy HE4 of the NPPF confirms that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. Paragraph 2 of Policy HE4 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in Chapter 20 of the NPPF.

Policy HE6 of the NPPF considers that *“when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.”*. Policy HE6 of the NPPF confirms that where a development proposal would harm the significance of a

designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.

Policy HE7 of the NPPF states that where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset. Policy HE7 goes on to state that where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

Policy HE9 of the NPPF relates to development proposals within or affecting the significance of conservation areas, confirming that proposals which conserve elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported. Policy HE9 of the NPPF notes that not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with Policies HE5 and HE6 of the NPPF.

Policy HE10 of the NPPF outlines that where a development proposal would result in the loss of the whole or part of a heritage asset (whether designated or not):

- a. The development should not be approved without all reasonable steps being taken to ensure that the new development will proceed after the loss has occurred, including through the use of planning conditions and planning obligations to secure the development against the loss of the asset; and
- b. The applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact upon it; and should make this evidence (and any archive generated) publicly accessible by depositing it in the relevant Historic Environment Record, and any archives with a local museum or other public depository. The ability to record evidence of our past should not be a decisive factor in deciding whether such loss should be approved.

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. Policy HE1 of the Local Plan states that development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses. Policy TH10 of the Neighbourhood Plan outlines that alterations to listed buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance. In doing so, proposals which at the same time contribute to providing a sustainable economic future for such buildings will be particularly supported.

The application is supported by a market demand assessment by Colliers and an assessment of costs-to-benefit by Hardisty Jones. Colliers' assessment indicates a demand for upper end serviced accommodation and suggests a level of displaced demand leaving Torbay. Whilst the Hardisty Jones report outlines the significant and substantial economic benefits of the proposed development. The estimated total construction cost would be £54 million, which increases to £67 million if an optimism bias of 24% is included. The gross direct construction sector employment from the proposal is estimated to generate £14 million in wages and £34 million of Gross Value Added over the entire construction phase. The proposed commercial units could support 12 full-time equivalent jobs, whilst the proposed hotel will support approximately 115 gross direct full-time equivalent jobs and approximately 63 net additional local full-time equivalent jobs.

The application is supported by a detailed package of heritage impact assessments which accurately assess the impact of the proposal on the designated and non-designated heritage assets. It is considered that there is clear and convincing justification for the significant public benefits associated with the proposed development and that when weighing the harm identified to the designated and non-designated heritage assets, the significant public benefits of the proposed development as a whole are considered to outweigh the harm identified, this is having regard to Policy HE6 of the NPPF where any harm to a designated heritage asset will be a matter of considerable importance and weight. This report includes a vast array of planning conditions which includes assurance of building, detailed historic recording and detailed design elements that ensures that a good quality development is achieved whilst ensuring such is delivered. The proposal is considered to accord with Policies HE4, HE5, HE6, HE7, HE9 and HE10 of the NPPF and broadly accords with Policy SS10 of the Local Plan and Policy TH10 of the Neighbourhood Plan. The report has identified harm to No.8 The Strand which would therefore conflict with Policy HE1 of the Local Plan.

On balance, the public benefits of the scheme as a whole, when weighed against the level of harm caused, are considered to justify the proposal and the proposal is considered to represent sustainable development when considering the Local Plan, Neighbourhood Plan and NPPF taken as a whole as the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits.

In addition, the public benefits are a material consideration which weigh in favour of granting planning permission notwithstanding conflicts with some aspects of the Development Plan.

Conclusions and Reasons for Decision

The relevant legislation requires that the application be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise

In line with the above conclusions and the assessment within this report, the proposals are considered to be in accordance with the Development Plan when read as a whole and to demonstrate that an acceptable scheme can be accommodated on the site, with the exception of the loss of the 3no. residential units, and the harm identified to the designated and non-designated heritage assets. The NPPF continues to support approval of development proposals that accord with an up-to-date Development Plan, unless material considerations indicate otherwise.

The planning balance section above has weighed the public benefits against the level of harm identified and has concluded that the adverse impacts of the proposed development do not outweigh the public benefits. Due to the level of accordance with the Development Plan and in the absence of material considerations that weigh sufficiently against the proposal, the Officer recommendation is one of approval, subject to suitable planning conditions and the required contributions.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Local Plan, the Neighbourhood Plan, the NPPF, and all other material considerations.

The August 2026 NPPF sets out the presumption in favour of sustainable development for decision-making, including approving development proposals that accord with an up-to-date development plan without delay, unless material considerations indicate otherwise.

Officer Recommendation

Approval subject to:

1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Place Strategy.
2. Completion of a Section 106 agreement.
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Place Strategy, including the addition of any necessary further planning conditions or obligations.

Planning Conditions

1. Phasing plan

Prior to the commencement of the development hereby permitted, a site wide phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved phasing plan. An up-to-date phasing plan and programme shall be maintained at all stages of the development hereby permitted. An up-to-date phasing plan shall be submitted to and approved in writing by the Local Planning Authority immediately upon any amendments. Unless otherwise specified this condition does not prevent the construction of any phase being undertaken concurrently with any other phase.

Reason: To secure the programme for the delivery of key infrastructure and ensure that the Local Planning Authority is able to monitor the delivery of the development. To guide submission of details required by other conditions.

This needs to be a pre-commencement condition to ensure that the impacts of construction on neighbour amenity and highway safety and convenience are mitigated from the outset of development.

2. Construction/demolition traffic management plan

No development shall take place, including any works of demolition, until a site specific Construction Traffic 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. Procedures for maintaining good neighbour relations including complaint management.
- b. The parking of vehicles of site operatives and visitors.
- c. Loading and unloading of plant and materials.
- d. Storage of plant and materials used in constructing the development.
- e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- f. Wheel washing facilities.
- g. The adoption and use of the best practicable means to reduce and control the emission of dust and other airborne pollutants and dirt during construction.
- h. A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- i. The adoption and use of the best practicable means to reduce and control noise.
- j. Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- k. Construction working hours from 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 on Saturdays and at no time on Sundays or bank holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

The approved Construction Management Plan development shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy N2 of the National Planning Policy Framework.

3. Construction Environmental Management Plan (CEMP)

No 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:

- A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted.
- 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.
- No driven piling without prior written consent from the Local Planning Authority.
- A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions.

- No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.
- No burning on site during construction or site preparation works.
- All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.
- The site access point(s) of all vehicles to the site during the construction phase.
- The areas for loading and unloading plant and materials.
- The location of the site compound and details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable).
- The location of storage areas for plant and materials. This should include the location of stockpiles of topsoil and sub soil.
- The erection and maintenance of securing hoarding, if appropriate. (Hoarding is to be kept free of fly posting and graffiti).
- 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: In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policies DE1, DE3 and W5 of the Adopted Torbay Local Plan 2012-2030 and Policies N2 and N6 of the NPPF.

This condition needs to be a pre-commencement condition to ensure the impacts of the development are mitigated from the beginning of the development.

4. Demolition method statement

The works of demolition shall not commence before details of the method of demolition have been submitted to and approved in writing by the Local Planning Authority. This shall detail the areas to be demolished and set out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction. The details shall include structural engineering drawings and/or a method statement.

The demolition shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to safeguard features of special architectural and historical interest and preserve the character and appearance of the Pannier Market in accordance with Policies DE1, HE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policies TH8 and TH10 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policy N2 of the National Planning Policy Framework.

This is a pre-commencement condition because the works comprising the development have the potential to harm retained historic fabric and therefore these details need to be agreed before work commences.

5. Assurance of build

No demolition shall take place until arrangements, including a contract for carrying out of works, have been put in place to secure the redevelopment of the site and details of these arrangements have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall include details of the timescale for carrying out the works approved under listed building consent reference P/2026/0239 and the development approved under this permission.

Reason: To ensure that the character and appearance of the area is not prejudiced and to safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policies HE1, SS10 and DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH10 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

This condition needs to be a pre-commencement condition to protect visual amenity and heritage assets.

6. Written scheme of investigation

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy SS10 of the Adopted Torbay Local Plan 2012-2030, Policy TH10 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policy HE10 of the National Planning Policy Framework.

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

7. Contaminated land

No development shall take place (including demolition) until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been submitted to and agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ER3 of the Adopted Torbay Local Plan 2012-2030 and P4 of the National Planning Policy Framework.

These details are required pre-commencement as specified to ensure that contaminated material is not released into the environment from building operations and there are no risks to workers, neighbours or other receptors.

8. Post investigation assessment

The development hereby approved shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy SS10 of the Adopted Torbay Local Plan 2012-2030, Policy TH10 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policy HE10 of the National Planning Policy Framework.

9. Schedule of works – No.8

Prior to any works being undertaken that affect the Grade II listed No.8 The Strand (as listed below as relevant works), a detailed schedule of works (including repair works) shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Schedule of works, including repair and reinstatement, including a timetable for the works to be carried out
- Detailed drawings at scale
- Samples of external facing materials and internal surface finishes
- A detailed method statement
- A detailed specification of materials to be used

In this regard the relevant works are:

- Any works of demolition at No. 8 The Strand
- Blocking/reinstatement of openings /doorways
- New or altered internal partitions
- Installation of doors or windows
- Stair removal (principal and secondary)

The work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy HE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH10 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

10. External materials

Prior to their installation, technical details and/or samples of the proposed exterior materials including wall finishes, roofing materials, balconies, eaves and fascias shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be constructed in accordance with the approved details and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

11. Rainwater goods

Prior to the installation of any rainwater goods (gutters, downpipes, hopperheads and soil pipes), details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Material
- Sectional profile
- Method of fixing

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

Reason: In the interest of visual amenity and in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

12. Window and doors – No.8

Notwithstanding the approved plans and details, prior to the installation of new windows and doors within No.8 The Strand, the following shall be submitted to and approved in writing by the Local Planning Authority:

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

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

Reason: In the interest of visual amenity and in accordance with Policy DE1, HE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Policy Planning Framework.

13. Window and doors – remaining units

Notwithstanding the approved plans and details, prior to the installation of any new windows and doors, excluding No.8 The Strand, the following shall be submitted to and approved in writing by the Local Planning Authority:

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

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

Reason: In the interest of visual amenity and in accordance with Policy DE1, HE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

14. Roof access and edge protection measures

The development hereby approved shall proceed strictly in accordance with the roof access and edge protection measures detailed on approved plan '5128-KEA-XX-XX-DR-A-12003-S2-P2'. Any alteration to the detailed roof access and edge protection measures shall first be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with these approved details.

Reason: In the interest of visual amenity and in accordance with Policy DE1, HE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

15. Street furniture

Notwithstanding the approved plans, no development above ground level shall take place until details (including siting/alignment, type and appearance including materials/finishes) of the proposed street furniture (including refuse bins, signage, wayfinding, seating, anti-terrorism bollards, lockers, railings, handrails, bicycle stands, and other means of enclosure) have been submitted to and approved in writing by the Local Planning Authority. Prior to the completion of the development hereby approved, the street furniture shall be installed in accordance with the approved details and retained and managed for the lifetime of the development.

Reason: In the interest of visual amenity and in accordance with Policies DE1, SS10 and SS11 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 and TH2 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9, HE10 and P5 of the National Planning Policy Framework.

16. Surface water and foul drainage

The development hereby approved shall not be occupied until the approved surface water and foul drainage scheme has been provided and installed in accordance with the approved plan reference 'AT2497 (inc Drainage Strategy)'. Once installed the surface water and foul drainage scheme shall be maintained and retained for the life of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and Policy F8 of the National Planning Policy Framework.

17. Cycle parking – hotel

The hotel hereby approved shall not be occupied until all the cycle parking detailed on approved plan reference '2910-LLA-ZZ-ZZ-DR-L-0002 P02 (Masterplan)' have been provided. Once provided, the cycle parking shall be retained for use for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policies TR3 and TR4 of the National Planning Policy Framework.

18. Cycle storage – Class E uses

The Class E commercial units hereby approved shall not be occupied until the ground floor cycle stores detailed on approved plan references '5128-KEA-XX-01-DR-A-22001-S2-P11 (GF,1F)' and '5128-KEA-XX-XX-DR-A-51200 P1 (Cycle Store)' have been provided. Once provided, the cycle storage areas shall be retained for use for the life of the commercial development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policies TR3 and TR4 of the National Planning Policy Framework.

19. Travel plan

The development shall proceed strictly in accordance with the approved travel plan reference 'P-2026-0238-14'.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Policy TA1 of the Adopted Torbay Local Plan 2012-2030 and Policies TR3 and TR4 of the National Planning Policy Framework.

20. Bin storage – hotel

The hotel hereby approved shall not be occupied until the bin store detailed on approved plan reference '5128-KEA-XX-03-DR-A-22003-S2 P10 (4F & 5F)' have been provided. Once provided, the bin store shall be retained for use by the occupants for the life of the development.

Reason: In interests of visual amenity and in accordance with Policies W1 and DE1 of the Adopted Torbay Local Plan 2012-2030.

21. Bin storage – Class E uses

The Class E commercial units hereby approved shall not be occupied until the commercial bin store detailed on approved plan reference '5128-KEA-XX-01-DR-A-22001-S2-P11 (GF,1F)' has been provided. Once provided, the commercial bin store shall be retained for use for the life of the commercial development.

Reason: In interests of visual amenity and in accordance with Policies W1 and DE1 of the Adopted Torbay Local Plan 2012-2030.

22. Waste management plan

Prior to the first occupation or first use of the hotel and Class E uses, a Waste Management Plan (WMP) for that respective use, setting out recycling and waste collections methods which follow the waste hierarchy to ensure locally established recycling targets at the that time are met, together with measures to review and respond to evolving targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved WMP shall be implemented prior to the first occupation of the respective use and shall be maintained at all times thereafter as a working document and strategy for the lifetime of the development.

Reason: To ensure a suitable waste collection that accords with Policies W1 and W2 of the Adopted Torbay Local Plan 2012-2030.

23. Designing out crime

The crime prevention measures detailed in section 6.10 of the approved Design and Access Statement reference '5128-KEA-XX-XX-RP-A-00011-S2-P5 (Part 2)' shall be incorporated into the development prior to that part of the development to which they relate being brought into use and shall be permanently retained thereafter.

Reason: In the interests of crime prevention in accordance with Policy DE1 and SS11 of the Adopted Torbay Local Plan 2012-2030, Policy TH2 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policy P5 of the National Planning Policy Framework.

24. External lighting

Prior to the first occupation of each phase of the development hereby approved, a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The submitted scheme shall include a lighting assessment with measures to prevent light-spill into the surrounding area and on the nearest receptors. The external lighting shall thereafter be installed, operated and maintained operated in accordance with the approved details for the lifetime of the development and no further external lighting shall be installed.

Reason: In the interests of residential amenity, ecology and designing out crime and in accordance with Policies DE3, SS11 and NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TH2 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policy P5 of the National Planning Policy Framework.

25. Vegetation clearance

No vegetation clearance or 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 works will not disturb nesting birds and a record of this kept.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy N2 the National Planning Policy Framework.

26. Ecology and enhancements

The recommendations and mitigation given in the Ecological Appraisal dated November 2025 'P-2026-0238-3 (Ecological Appraisal)' shall be followed, including precautions to prevent threat of harm during construction works, timings of works, and the installation of bat tubes and swift bricks. The bat tubes and swift bricks shall be installed in accordance with approved plans '5128-KEA-XX-XX-DR-A-32100-S2 P9 (12-14 Sheet 1)', '5128-KEA-XX-XX-DR-A-32101-S2 P8 (12-14 Sheet 2)' and 'P-2026-0238-28 (Bat Tube Locations)' prior to the first use of the building in which they installed on and shall be retained thereafter.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy N2 of the NPPF.

27. Energy and sustainability

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Sustainability Energy Strategy reference 'P-2026-0238-5 (Energy Strategy)'.

Prior to the first occupation of the development hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- Evidence of the [PV/ ASHP/ Other] system are installed including the exact location, technical specification and projected annual energy yield (kWh/year). (e.g. a copy of the MCS installer's certificate.)
- A calculation showing that the projected annual yield of the installed system is sufficient to meet at least 20% of the total sites energy demand.

The measures detailed shall be fully installed prior to the first use of the development hereby approved and shall be maintained and retained for the life of the development unless alternative measures are installed in accordance with details which are first submitted to and approved in writing by the Local Planning Authority.

Reason: In interests of low carbon development and in accordance with Policy SS14 and ES1 of the Adopted Torbay Local Plan 2012-2030 and Policies CC2 and CC3 of the National Planning Policy Framework.

28. Soft landscaping

Notwithstanding the approved plans, prior to first occupation of the development hereby approved a soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be

retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. This should include details of the green roof.

All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of a similar size and the same species.

Reason: In interests of visual and residential amenity and in accordance with Policies C4, DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy N3 of the National Planning Policy Framework.

29. Hard landscaping

Notwithstanding the approved plans, prior to first occupation of the development hereby approved, details of the hard surfacing materials including their integration into a sustainable urban drainage system for surface water management shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be fully implemented in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained for the lifetime of the development. The details for approval shall include a detailed scheme of: type/texture/colour finishes (including any samples as may be necessary).

Reason: In the interest of visual amenity and drainage in accordance with Policies DE1, SS10, SS11 ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 and TH2 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9, HE10 and Policy P5 and F8 of the National Planning Policy Framework.

30. Railings and boundary treatment

Notwithstanding the approved plans, no installation of the boundary walls or railings shall commence until full details comprising of the stone, coursing, pointing, gauge, spacing, fixings and finishes, at a scale of 1:10 or 1:20, have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out only in accordance with the approved detail and retained as such thereafter.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policies DE1 and HE1 of the of the Adopted Torbay Local Plan 2012-2030, Policies TH8 and TH10 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

31. Restoration works No.8

All restorative works to the front elevation of No.8 the Strand shall have been completed in full prior to the first occupation of the development hereby approved.

Reason: To ensure that the character and appearance of the area is not prejudiced and to safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policies DE1 and HE1 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 and TH10 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

32. Removal of Permitted Development Rights commercial to residential

Notwithstanding the provisions of Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order amending or revoking that Order), the Class E commercial units hereby approved shall not be converted into C3 residential properties.

Reason: To maintain an acceptable form of development and to restrict flood risk in accordance with Policies DE1, TC1, ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies F6 and F7 of the National Planning Policy Framework.

33. Hours of operation for roof terrace

The fifth floor roof terrace hereby approved shall not be used by patrons outside the hours of 07:00 to 23:00.

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy P3 of the National Planning Policy Framework.

34. Management of roof terrace

Prior to the first use of the fifth floor roof top bar and terrace, a management plan for the use that includes noise, music, nature of the use, deliveries, servicing, etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed strictly in accordance with the approved details.

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy P3 of the National Planning Policy Framework.

35. Commercial kitchen extraction

Before the commencement of use of any commercial kitchen within the development hereby approved, a scheme for the installation of equipment to control the emission of fumes and smell from that kitchen shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained in operation thereafter.

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy P3 of the National Planning Policy Framework.

36. Noise/plant

The level of sound associated with the operation of mechanical building services plant and equipment at the development hereby approved, when determined externally under free-field conditions, shall not exceed a Rating Level (as defined by BS4142:2014+A1:2019) of:

- 49 dB during the daytime (07:00 to 23:00) and 38 dB during the night-time (23:00 to 07:00) at the curtilage of any residential receptor on The Strand as existing or consented at the time of this consent; and

- 45 dB during the daytime (07:00 to 23:00) and 33 dB during the night-time (23:00 to 07:00) at the curtilage of any residential receptor on The Terrace as existing or consented at the time of this consent.

Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy P3 of the National Planning Policy Framework.

37. Additional paraphernalia

No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless the full details have first been submitted to and approved in writing by the Local Planning Authority. This shall include air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting. Development shall then proceed strictly in accordance with the approved details.

Reason: In the interest of visual amenity and in accordance with Policy DE1, HE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

38. Highways works

The development hereby approved shall not be occupied until all the footpaths, steps, stepped street and courtyard have been provided in full in accordance with approved plans '2910-LLA-ZZ-ZZ-DR-L-0002 P02 (Masterplan)' and '5128-KEA-XX-XX-DR-A-12001-S2 P8 (Site & Roof)' and all necessary legal agreements have been made with the Local Highway Authority in respect to all proposed works to the highway.

Reason: In accordance with highway safety and amenity, and in accordance with Policy DE1, HE1, TA1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the N National Planning Policy Framework.

39. Stepped street

The development hereby approved shall not be occupied until the stepped street linking The Strand with The Terrace has been provided in full in accordance with approved plan '5128-KEA-XX-XX-DR-A-12001-S2 P8 (Site & Roof)'. The stepped street shall thereafter be permanently retained and maintained for public access at all times.

Reason: In accordance with highway safety and amenity, and in accordance with Policy DE1, HE1, TA1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

40. Redundant solar panels

Should the approved solar panels become redundant, unsafe or damaged beyond economic repair, or cease to function for a period in excess of six months, they shall be permanently removed within a period of three months thereafter.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DE1, HE1 and SS10 of the Adopted Torbay Local Plan 2012-2030, Policies TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and Policies HE4, HE6, HE7, HE9 and HE10 of the National Planning Policy Framework.

Informative(s)

Positive and Proactive

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.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development can begin because none of the statutory exemptions or transitional arrangements are considered to apply.

Relevant Policies

Development Plan Relevant Policies

C3 - Coastal change management
C4 - Trees, hedgerows and natural landscape features
DE1 - Design
DE3 - Development amenity
DE4 - Building heights
ER1 - Flood risk
ER2 - Water management
ES1 - Energy
H1 - Applications for new homes
HE1 - Listed buildings
NC1 - Biodiversity and geodiversity
SDT1 - Torquay
SDT2 - Torquay town centre and harbour
SS1 - Growth strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable development
SS10 - Conservation and the historic environment
SS11 - Sustainable communities
SS13 - Five year housing land supply
SS14 - Low carbon development and adaption to climate change
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
TC1 - Town centres
TC2 - Torbay retail hierarchy
TC4 - Change of retail use
TC5 - Evening and night time economy
W1 - Waste hierarchy
W5 - Waste water disposal
TO1 - Tourism, events and culture

TS1 - Sustainable development
TS2 - Master plans
TS4 - Support for brownfield and greenfield development
TH2 - Designing out crime
TH8 - Established architecture
TH9 - Parking facilities
TH10 - Protection of the historic built environment
TE1 - Tourism accommodation on brownfield sites
TE5 - Protected species habitats and biodiversity
THW5 - Access to sustainable transport

National Decision-Making Policies

S3 - Presumption in favour of sustainable development
S4 - Principle of development within settlements
E2 - Meeting the need for business land and premises
DP3 - Key principles for well-designed places

DP4 - The design process
HE4 - Securing the conservation of heritage assets
HE5 - Assessing effects on heritage assets
HE6 - Proposals affecting designated heritage assets
HE7 - Decisions on non-designated heritage assets
HE9 - Conservation areas
HE10 - Loss or removal of heritage assets
TR3 - Locating development in sustainable locations
TR4 - Street design, access and parking
TR6 - Assessing transport impacts
N2 - Improving the natural environment
N3 - Trees in new development
F8 - Sustainable drainage systems and watercourses
CC2 - Mitigation of climate change
CC3 - Adaptation to climate change
P5 - Maintaining public safety and security
TC2 - Development in town centres
L2 - Making effective use of land
F5 - The sequential test
F6 - Development in areas at risk of flooding from rivers or the sea
F7 - Ensuring development is safe from flooding