

Application Site Address	48-50 The Terrace, Torquay
Proposal	Change of use from office (Use Class E) to residential (Use Class C3), internal alterations, extensions, including conversion of 5 Montpellier Road with car parking to rear to create a total of 12 apartments (see accompanying P/2022/0896). Description of development changed and amended plans received on 30 January 2023.
Application Number	P/2022/0895
Applicant	Knights spur Homes Ltd.
Agent	Narracotts Architects
Date Application Valid	04.10.2022
Decision Due date	29.11.2022
Extension of Time Date	30.06.2023
Recommendation	<p>Approval of planning permission subject to:</p> <p>The conditions as outlined and final consultation response from the Highway Authority confirming no objections, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major development
Planning Case Officer	Jim Blackwell

## Location Plan



## Site Details

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

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

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

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

The site is highly visible within the town centre and harbourside. It is on the stepped slope

above the inner harbour and a major feature of the townscape and considered an important part of the conservation area.

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

### **Description of Development**

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

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

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

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

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

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

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

### **Pre-Application Enquiry**

None.

### **Relevant Planning Policy Context**

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

**Development Plan:**

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

**Material Considerations:**

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice.
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With regard to Conservation areas the Act requires that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**Relevant Planning History**

P/2022/0896	Listed building consent for Change of use from office (Use Class E) to residential (Use Class C3), internal alterations, extension, demolition of 5 Montpellier Road and construction of apartment block with car parking to rear to create a total of 12 apartments (see accompanying P/2022/0895)	Under consideration
P/1988/0448	Alterations And Formation of New Windows	Approved 16/05/1988
P/1988/0447	Alterations To Form Additional Office Accommodation	Approved 16/05/1988

**Summary of Representations**

No objections.

**Summary of Consultation Responses**

**Torquay Neighbourhood Forum:**

No comments.

**County Archaeologist and Historic Environment Manager:**

No comments received.

**Torbay Council's Engineering Service Manager:**

No objection, subject to a condition within the planning approval that the design for the surface water drainage serving the car parks and Montpellier Road must have a limiting discharge of 1.5l/sec and the developer must demonstrate that there is no risk of flooding to property on

the site or any increase in risk to property or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change.

**Building Control:**

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

**South West Water:**

No objection.

**Asset Protection**

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

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

**Clean Potable Water**

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

**Foul Sewerage Services**

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

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

**Surface Water Services**

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

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

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

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

**Environment Agency:**

No comments received.

**Devon County Council Ecology:**

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

**Police Designing Out Crime Officer:**

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

**Fire Safety Officer:**

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

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

**Torbay Council's Highways Engineer:**

The following information is required:

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

**Torbay Council Community Safety Team:**

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

**Historic England:**

Concerns on heritage grounds

Significance

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

Impact

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

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

A full restoration of the front elevation of 48-50 would include; restoration of the segmental-headed shape of the top of the second floor window openings to No. 50; removal of the projecting moulded sill band at second floor level, which is not original, and the installation of flat-fronted projecting stone sills like most of the windows in the terrace retain; removal of the prominent downpipe in the middle of the façade of No. 50; replacement of the existing windows to the first floor of No. 50 with six over six sashes (the sills of all five windows should remain at the level of the existing windows, because this is the original first floor sill level of the whole terrace); similarly the raising of the first floor sills of No. 48 to the original level; the restoration of the window and door openings at ground floor level of No. 50 to their original form, with semi-circular recessed arches; the restoration of a central door and windows at ground floor level of No. 50 to the original designs; making good of the railings to reflect the removal of the left hand doorway to No. 50; replacing the windows of the two outer attic dormers with timber ones of a suitable design, and finally returning the central dormer to its historic form to match the other two. The original semi-circular ground floor windows and door opening are shown clearly in these two historic images.

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

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

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

#### Recommendation

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

#### **Waste and Recycling:**

No objection.

#### **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. Access, Movement and Parking
6. Ecology
7. Flood Risk and Drainage
8. Low Carbon / Climate Change
9. Designing out Crime

### **1. Principle of Development**

The two grade II listed buildings comprise former offices in the built-up area, in a Community Investment Area, the Torquay Harbour Conservation Area and within the defined Town Centre. The principle of a change of use from vacant office to residential apartments is considered acceptable, for the reasons below.

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

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

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

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

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

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

## **2. Design and Visual Impact**

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Para 126). It also states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (Para 134). In terms of the Development Plan Policy TH8 'Established architecture' is the key policy tool within the Torquay Neighbourhood Plan and cites that development must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings. Policy TT2 (Change of Use in Conservation Areas and Listed Buildings), offers that the change of use will be supported in principle to ensure a sound future for such heritage assets, and wherever possible unsympathetic development of the past is removed or altered to enhance the historic environment.

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

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

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

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

### Layout

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

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

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

### Appearance

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

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

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

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

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

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

### **3. Impact on Heritage Assets**

The titled balance requires an assessment of the NPPF policies that protect heritage assets. NPPF (2021) provides guidance as to when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

In terms of the Local Development Plan, it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan). This is aligned with the duties for decisions as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

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

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

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

Historic England have provided two sets of comments, the first of which was supportive of the proposed reinstatement of many of the elements which have been lost or damaged through the previous office use, particularly in no. 50. These include the reinstatement of multi-paned sash windows, the reinsertion of the central elliptical stair and a central doorway. Conditions were suggested to ensure the level of detail was sufficient to reflect the significance of the buildings. They go on to raise concerns about the scale of the roof extension and symmetry

of the fenestration. As discussed previously, these details were noted by the applicant and the application details refined. The roof has been redesigned to create a slate covered mansard and the windows positioned centrally to continue the established rhythm in the adjoining terraces. The decision on balancing the level of harm between the public benefits of bringing the buildings back into residential use was noted to be down to Officers. The submission of additional information and amended plans appears to achieve that balance and Officers consider the proposal acceptable.

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

In terms of detail, the second range of comments have been fully considered. In summary this has been achieved by limiting the increase in height of the roof (to enable head height to be achieved), creating a slate mansard roof (rather than vertical, box roof extension), creating symmetry within the roof slope (through the fenestration position) and reduction in the amount of glazing. The two key issues have also been resolved by the removal of the glass balustrade and proposed roof terrace. A condition has been suggested to control the use of the narrow terrace to preclude any domestic roof paraphernalia.

These details are now considered acceptable by Officers and find a balance with the more recent concerns made by Historic England. Conditions have been included to secure further details to ensure the quality of the development. The proposal is therefore considered to be in accordance with Policies SS10 and HE1 of the Local Plan, Policy TH10 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

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

#### **4. Residential Amenity**

The Local Plan contains policy guidance (through policies SS11, H1 and DE3) towards ensuring that residential development produces high-quality living environments that present a good level of amenity for future users and neighbouring occupiers. Policy DE3 also identifies size standards for self-contained units, which reflect national space standards.

The NPPF (Para 130) guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

#### Future Occupants

In terms of location the central setting is considered positive for the future use and well suited to a residential occupancy, presenting good opportunities for future occupants in terms of access to services, facilities and sustainable transport options, which is considered positive.

In terms of the proposed units the main buildings would be converted and extended to provide 6, two bed apartments, 5 one bed apartments and a three bed apartment. Two of the one bed

apartments would be accommodated in the retained building on Montpellier Road at first floor level. The units are largely generously scaled and would present attractive propositions for single occupants, couples, or small families, which presents some potential diversity in terms of occupation. This is noted in respect to seeking to influence mixed and balanced communities. Overall, the form of the proposed units is considered a positive in the terms of the Community Investment Area, as it does not seek small bedsits or small apartments.

The proposed schedule of accommodation is as follows:

#### Conversion of no.48

Flat	Type	GIA (m2)	Amenity (m2)
1	2 bed 4 person	94	24
4	2 bed 4 person	101	
6	2 bed 4 person	84	5
8	2 bed 4 person	97	12
10	2 bed 4 person	155	39

#### Conversion of no. 50

Flat	Type	GIA (m2)	Amenity (m2)
2	1 bed 2 person	67	19
3	1 bed 2 person	73	24
5	1 bed 2 person	94	
7	3 bed 6 person	119	11
9	2 bed 4 person	102	

#### Conversion of 5 Montpellier Road

Flat	Type	GIA (m2)	Amenity (m2)
11	1 bed 2 person	50	
12	1 bed 1 person	40	

The size of the units comfortably exceeds the minimum National Space Standards, which are also engrained within Policy DE3 of the Local Plan, and key living spaces are also generally well scaled and proportioned. These are therefore considered positive aspects by Officers in terms of amenity.

In terms of natural light and outlook the internal arrangement these provides a range of aspects to the apartments with adequate light and outlooks.

In terms of outdoor amenity space Policy THW4 of the Torquay Neighbourhood Plan seeks that flats or apartments must have either a balcony of not less than 10 sqm and as appropriate to the size of the home, or a communal green area of not less than 10 sqm per unit within the curtilage of the property. Policy DE3 of the Torquay Local Plan similarly expects apartments to offer 10sqm of outdoor space individually or communally. Most apartments (seven) within the scheme would benefit from some degree of outdoor space, either from private gardens, balconies or terraces, albeit only one of which not to the scale expected by the Development Plan Policies. These elements are positive and would enhance the residential environments but, when considering the central location and proximity to urban parks, the provision of such areas is welcomed, but not necessary, certainly as town centre living is often limited in terms of outdoor private space. Notwithstanding policy advice within the Development Plan the provision is considered acceptable in this particular context.

Cycle parking and waste storage facilities are to be provided in a safe and secure under-croft, courtyard which provides positive supporting facilities. The amount of cycle parking is policy

compliant and there is sufficient storage space for the necessary bins. The Waste and Recycling Team have confirmed these details are acceptable.

### Neighbouring Occupants

The proposal does not introduce any built form that would impact neighbouring occupiers in terms of outlook, overshadowing or loss of sun/daylight. The proposed window repositioning would not result in an increase in overlooking of neighbours over and above the existing situation.

Having regard to the amenities provided within the proposal for future occupants, the scheme is considered sufficiently aligned with the aims and objectives of Policies SS11, H1, DE1 and DE3 of the Local Plan 2012-2030, and the NPPF.

## **5. Access, Movement and Parking**

The NPPF guides that in assessing specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110).

The Development Plan, largely through Policies TA1, TA2 and TA3 of the Local Plan, outlines similar policies goals as the NPPF, but also guides on parking levels and support towards promoting sustainable travel and providing sustainable transport facilities within new development. The Torquay Neighbourhood Plan supports the provision of parking outlined in the Local Plan in Policy TH9 and supports the encouragement of development that provides good access opportunities and thus reducing the need to travel within Policy TTR2.

The nearest bus stops are on The Strand 150m away which serves multiple bus routes and provide regular services around Torquay and nearby towns. The site is 1.6km east of Torquay railway station, which provides two services an hour north towards Newton Abbot and two hourly services south towards Paignton.

The access to the site is proposed under the retained no. 5 Montpellier Road. An automated gate would provide access for seven off-street parking spaces. As the site is located within the town centre and good public transport links are available, relaxed parking standards apply, as outlined in Appendix F of the Torbay Local Plan (2012-2030). Therefore, the proposed number of spaces is acceptable. Three of the seven parking spaces would have EV charging facilities exceeds the requirement of 20% parking spaces of new developments.

The location of the bike storage for 12 cycles is to be at the north part of the site on the first floor. The store is covered and secure and are therefore considered acceptable. A locked bin store has also been included on the first floor to the north of the site, adjacent the gates to Montpellier Road. The Highways Team have requested a refuse management plan. The Waste and recycling Team have accepted the level of detail submitted and have no objection, however a condition has been suggested to require a refuse management plan to be submitted to the satisfaction of Officers.

In terms of access and manoeuvrability, a swept path drawing has been submitted following the request from the Highway Team. Members will be updated about the suitability of this plan at the meeting. The Highway Team have also requested visibility splays of 2.4m x 43m. This is clearly unachievable given the retention of the existing building. Given the expected low vehicle speeds of Montpellier Road, the lack of footway fronting the building, to avoid any

highway safety impacts, the proposal in its current form is considered acceptable. This type of access and egress is also a common urban form and in use in the local area. Finally, an amended plan showing the provision of a disabled parking space has been submitted which is compliant with highway standards.

The proposal is considered acceptable on highway and movement grounds, providing development in a sustainable location with adequate car and cycle parking facilities, in accordance with Policies TA1, TA3 and DE1 of the Local Plan, Policy TTR2 of the Torquay Neighbourhood Plan, and the NPPF.

## **6. Ecology**

Policy NC1 of The Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy TE5 of The Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 174).

The site is a developed urban plot with limited ecological features present. The application is supported by an ecology report that confirms that protected species or habitats would not be affected by the development.

The site is approximately 550m north of Lyme Bay and Torbay SAC. The development proposals would result in an additional 12 residential units within 550m of Lyme Bay and Torbay SAC interest features. The site is also approximately 550m north of the Torbay Marine Conservation Zone (MCZ). In view of the nature of the application (largely change of use) for the new apartments, one impact pathway has been identified that could have the potential to affect the interest features of the MCZ. The effects on water quality including dust, sediment and pollutants reaching the MCZ potentially via construction activities. A pre-commencement condition has been suggested to require the submission of a Construction Ecological Environmental Management Plan to manage this potential issue. This document will provide measures of construction controls on dust and reducing contaminated run-off. Details of pollution control measures, including mitigation for the increased demand on foul water systems, post-construction will therefore need to be submitted and agreed.

The effects of increased recreational pressure have also been screened out of the assessment as part of this application given the small total net increase anticipated from this development compared with the total number of Torbay visitors. Subject to conditions requiring a CEMP, no external lighting and works outside the nesting season, the DCC Ecologist has no objection.

In terms of biodiversity goals, the submitted Ecology report does reflect that the NPPF seeks to maintain and enhance biodiversity within planning policies and decisions with regards to new development and that the development should incorporate bat and bird friendly features within its design, and in particular Swift boxes should be incorporated to provide potential nest sites. It also cites that any new landscaping should use native species or those beneficial to wildlife to address this requirement. In terms of precautionary advice, the report also confirms that nesting birds must be considered against disturbance during nest building and nesting, typically, between March-August to avoid contravening the legislation which protects them. A further condition is included below to secure enhancement measures, landscaping measures and control disturbance of nesting birds.

Therefore, subject to conditions, the proposals are considered in accordance with the aspirations of Policies SS8, DE1 and NC1 of The Local Plan, Policy TE5 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

## **7. Flood Risk and Drainage**

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. The policy outlines a hierarchy for water-flow management within new development, and similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

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

As the proposal is principally a change of use with reduced flood risk from improving the existing surface water drainage system the proposal is considered acceptable. That said, in response to comments from the Drainage Engineer attenuation tanks are proposed below the car park deck. These details are considered acceptable subject to conditions confirming their final design.

South West Water has provided a plan showing a sewer running east west across the site to the south of the Montpellier Road building. They have advised that no development will be permitted within 5 metres of the sewer, and ground cover should not be substantially altered. The retention of this building and modest extensions to the main buildings over 5m away means the development will comply with this requirement. The proposal also now includes attention tanks below the development which would be considered an acceptable method for managing surface water run-off.

The proposal is therefore considered acceptable in terms of drainage and flood risk and aligned with the aims and objectives of Policies ER1 of the Local Plan and the NPPF.

## **8. Low Carbon / Climate Change**

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' 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 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/ refurbishment of buildings where planning permission is required. Policy W1 (Waste hierarchy) of the Local Plan seeks that all development should seek to minimise the generation of waste, having regard to a waste hierarchy, which includes prevention, for example using less material in design and other measures to minimise waste generation.

The application is supported by an Energy Statement. Analysis of the predicted baseline energy consumption and resulting carbon emissions for the proposed development using SAP 10 Methodology, an Air Source Heat Pump heating system with the addition of a solar PV array is the most viable option within the constraints of the site 48-50 The Terrace, Torquay. These are to be installed along with the following measures:

- A fabric first approach to the design with modern insulation products
- The installation of high efficiency heating controls.
- The installation of high efficiency lighting.

The reuse of the buildings is supported in terms of utilising the embodied energy within the building. This includes reusing material within the partial demolition walls and the later rear extensions. The retention of as much fabric within 48-50 The Terrace and most importantly through the retention of 5 Montpellier Road would be a positive in terms of embodied energy.

The development is, for the reasons above and subject to the detailed condition, considered suitable for approval, in accordance with Policies SS14 and ES1 of the Local Plan.

## **9. Designing Out Crime**

Policy S11 of the Torbay Local Plan requires development to help reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.

No objections have been raised by Devon and Somerset Police. Subject to the use of a condition requiring the development to be a Secured by Design standard, the proposal is in accordance with Policy SS11 of the Local Plan.

## **Sustainability**

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

### **The Economic Role**

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

### **The Social Role**

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

### **The Environmental role**

The environmental benefits are considered positive. It provides a long-term use for a building that has embodied energy within its fabric and the sustainable central location provides lifestyle opportunity that may be less reliable on cars and reduces need for travel. In respect of the environmental element of sustainable development the balance is in favour of the development.

## **Sustainability Conclusion**

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

### **Local Finance Considerations**

#### **CIL**

The land is situated in Charging Zone 1 in the Council's CIL Charging Schedule and residential units is chargeable development, this means that all new floorspace will be charged at a rate of £30/sqm unless exempt.

Based on the submitted CIL form, which provides an indication, subject to formal determination, that the proposal, which is stated as delivering 1346 sqm of CIL liable floorspace, is likely to deliver circa £40,380 in CIL payments.

#### **S106**

Site Acceptability Matters: None.

Affordable Housing: N/A for this scale of development on a brownfield site.

Sustainable Development Matters: N/A as CIL liable development.

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

#### **EIA/HRA**

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

#### **Planning Balance**

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to promote reuse brownfield sites and provide housing would produce a positive impact overall. It is also noted that it will also trigger CIL payment of approximately £40,380.

#### **Conclusions and Reasons for Decision**

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

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

Subject to appropriate Conditions the proposal is recommended for approval.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations for the reasons stated within this report.

#### **Officer Recommendation**

Approval: Subject to the conditions as outlined.

## Conditions

### Pre-commencement conditions:

#### 1. Construction Ecological Environmental Management Plan

Prior to the commencement of development including ground works or vegetation clearance a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) concerning the site shall be submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities and identification of stages of works.
- b) Identification of "biodiversity protection zones".
- c) Details of working hours; Details of all plant and machinery to be used during site clearance and construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM); Details of temporary lighting used in construction of for security reasons.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- k) Pollution controls to avoid impacts to the SAC and MCZ.
- l) Details of lighting restrictions to avoid impacts to bats and other nocturnal wildlife.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, and paragraphs 109 and 118 of the NPPF and PNP1 of the Paignton Neighbourhood Plan.

These details are required pre-commencement as specified to ensure that biodiversity and protected species are not harmed by building operations or vegetation removal.

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#### 2. Nesting Season

Within the nesting season, March to August inclusive, prior to the commencement of any works to the existing roof of the building a preliminary assessment shall be undertaken to establish any presence of nesting birds. Should nesting birds be found all works to the roof shall stop until the bird have fledged and a suitably qualified ecologist has confirmed that works can commence.

Reason:

To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

### **3. Ecology – biodiversity enhancement**

Prior to the first use of the building measures to maximise opportunities for biodiversity enhancement in and around development, to deliver a net gain for biodiversity, shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the submitted ecology report.

The approved measures shall be delivered in full prior to the first occupation of the development and maintained for their purpose thereafter through the life of the development.

Reason:

To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

### **4. Soft Landscaping Implementation**

All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first available planting and seeding season following the completion of the development on that phase, or at such other time as agreed by the Local Planning Authority in writing. Any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the amenities of the area and in accordance with Policies DE1, DE3, SS8, SS9, C4 and NC1 of the Torbay Local Plan 2012-2030.

### **5. Hard Landscaping Implementation**

Prior to the first occupation hereby permitted, the scheme of hard landscaping treatment for that phase shall be fully installed in accordance with the approved plans. Once provided, the agreed hard landscaping treatment shall be retained for the life of the development.

Reason:

In interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

### **6. External improvements**

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

Reason:

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

### **7. External lighting**

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been 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 lighting shall thereafter be installed and maintained operated in accordance with the approved details.

Reason:

To avoid harm to bats and wildlife in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

## **8. Detailed Design**

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

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

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

Reason:

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

## **9. Amended plan details**

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

- Three individual doors with frames between each door.

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

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

## **10. Works of making good**

All new external works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

## **11. Roof material sample**

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

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

Reason:

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

## **12. Window and doors details**

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

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

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

Reason:

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

## **13. External render**

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

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

Reason:

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

## **14. Energy / Low Carbon**

Prior to the commencement of development an Energy Statement, which responds in detail to the Energy Strategy outlined within the submitted Design and Access Statement, specifically how the development limits its carbon production through its lifetime from detailed consideration of the stated "Be Clean" and "Be Green" concepts, shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures within the submitted and approved Energy Statement shall be incorporated within the development in full and thereafter be maintained and operational.

Reason:

In the interests of sustainable development and to minimise carbon emissions in accordance with Policy SS14 and ES1 of the adopted Torbay Local Plan 2012-2030. These details are required pre-commencement in order to inform the construction phase.

## **15. Hours of Construction**

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between

08:00 Hours and 18:00 Hours on Mondays to Fridays, and 08:00 and 13:00 Hours on Saturdays, and at no time on Sundays and Bank Holidays.

Reason:

In the interests of the amenities of surrounding occupiers during the construction of the development, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

#### **16. Construction Management Plan:**

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and 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.
- Control measures for dust and other air-borne pollutants.

Reason:

In the interests of the amenities of surrounding occupiers during the construction of the development.

#### **17. Refuse Management Plan**

A Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority in writing prior to the occupation of any proposed building. The development shall thereafter be operated in accordance with the approved details.

Reason

In interests of visual amenity and in accordance with Policy DE1 and DE3 of the Torbay Local Plan 2012-2030.

#### **18. Parking provision**

Prior to the first occupation of the development the parking facilities hereby approved shall have been provided in full. These elements shall thereafter be retained in full as parking facilities to serve the development for the life of the development.

Reason:

To secure an appropriate form of development in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030 and Policies TH8 and TH9 of the Torquay Neighbourhood Plan.

#### **19. Electric charging facilities**

Prior to the first occupation of the development details of the location and form of electric car charging facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The provision shall serve no less than 20% of the development.

The charging facilities shall be implemented in full and made available for use prior to the first use of the building and shall be always maintained and available for use thereafter to serve the development.

Reason:

To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

## **20. Cycle parking provision**

Prior to the first use of the development the approved cycle parking facilities shall be completed and made available for the purpose of cycle parking to serve the development. Once provided, the cycle parking facilities shall be retained for the life of the development for such purposes.

Reason:

In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030.

## **21. Waste provision**

Prior to the first occupation of the development the waste and recycling storage facilities shall be completed and made available for the purposes of waste storage to serve the development. The approved waste storage arrangements shall thereafter be retained for the life of the development.

Reason:

In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

## **22. Surface Water Drainage Implementation**

The development shall not be occupied until the surface water drainage system detailed in the Drainage Strategy by Narracotts Architects (dated April 2022) has been completed in accordance with the submitted plans. The system shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The development hereby approved shall not be occupied or brought into use until the agreed drainage scheme has been provided and it shall be retained and maintained for the lifetime of the development. The surface water drainage system as detailed on these plans shall then be retained and maintained for the lifetime of the development.

Reason:

In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

## **23. Boundary treatments / means of enclosure**

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no means of enclosure other than those detailed within the plan hereby approved, including gates, fences, walls or other means of enclosure.

Reason:

In order to safeguard the character and visual amenities of the locality in accordance with Policies SS10 and DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

#### **24. Roof paraphernalia**

No domestic paraphernalia shall be located on the front (south west elevation) roof terrace of no. 50 The Terrace unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, extraction equipment, aerials, satellite dishes and external lighting.

Reason:

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

#### **25. Secured by Design**

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable and the measures shall be incorporated into the development prior to that part of the development to which they relate being brought into use.

Reason:

In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

#### **26. Dwelling Use / Small HMO PD**

Notwithstanding the provisions of Schedule 2, Part 3, Class L (small HMOs to dwellinghouses and vice versa), of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), all residential units hereby approved shall be used and occupied solely as Class C3 Dwelling-houses, by: (a) a single person or single household; (b) a single household of not more than 6 residents where care is provided; or (c) a single household of not more than 6 residents, and for no other purposes.

Reason:

In order to ensure a satisfactory form of development in accordance with Policy SS11 of the Torbay Local Plan 2012-2030.

#### **Informative(s)**

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

#### **Relevant Policies**

##### **Local Plan**

DE1 – Design

DE3 – Development Amenity

ES1 - Energy

TA2 – Development Access

TA3 – Parking Requirements

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

**Torquay Neighbourhood Plan**

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