

Application Site Address	Seascape Hotel, 8-10 Tor Church Road, Torquay, TQ2 5UT
Proposal	Conversion and extension of hotel and ancillary garage into 29 residential apartments, including demolition of parts of existing buildings, alterations to the facades of the buildings and accesses, construction of additional residential floorspace above the ancillary garage, parking provision and other associated works.
Application Number	P/2026/0177
Applicant	Mr Ash Mohammed
Agent	Bell Cornwell LLP
Date Application Valid	23.03.2026
Decision Due Date	22.06.2026
Extension of Time Date	24.08.2026
Recommendation	Approval: Subject to; The conditions outlined at the end of this report, with the final drafting of conditions delegated to the Divisional Director of Place Strategy. The completion of a Section 106 legal agreement to provide affordable housing. 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.
Planning Case Officer	Alexis Moran



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Site Details

The site is the Seascape Hotel comprising of a four-storey paired villa block, a four-storey single villa block and a 20th Century single storey wedge shaped building which connects the two blocks. The original building is mid to late Victorian.

The hotel currently provides 57 guest rooms and associated function rooms and licensed facilities as well as a manager's apartment and ancillary service rooms. The site is outside of the Core Tourism Investment Area (CTIA).

Vehicular access is at the north of the site off Tor Church Road where there is a vehicle parking deck, below this is the hotel's basement garage which is accessed via Croft Road at the south of the site. There is also a pedestrian access via a set of steps at the rear of the property.

The site is located in a sustainable location within close walking distance of the Town Centre and in close proximity to bus stops.

The character of the area is predominantly residential, with residential properties to the north, north-west and north-east of the site on the northern side of Tor

Church Road, to the south, on Croft Road, and to the south-east, on Scarborough Road. The property immediately to the east is in use as a hotel.

The site straddles the boundary of two Conservation Areas, with the majority of the site located within the Abbey Road Conservation Area and the garage and elevated parking area within the Tormohun Conservation Area. The south-western site boundary adjoins the Belgravia Conservation Area.

The building is identified as a key building of architectural importance which makes a significant contribution to the townscape within the Abbey Road Conservation Area Appraisal and as such it can be considered as a Non-Designated Heritage Asset (NDHA).

The site is in Flood Zone 1 and the Critical Drainage Area.

Description of Development

This planning application seeks approval for conversion of the Seascape Hotel and its garage into 29 residential apartments. The following mix of housing is proposed:

- 16 x 1-bed apartments
- 13 x 2-bed apartments

Six of the apartments would be affordable which is 20% of the overall offer.

The proposal includes the demolition of several deleterious extensions and structures, including the wedge-shaped extension that connects the two parts of the hotel, the 1960s flat-roofed extension to the rear, several attached escape steps and a pair of solid exterior steps that extend out into the garden area. The demolition of the wedge-shaped extension would restore the historic space between the buildings and space for areas of soft landscaping, on-site vehicle parking and a new stepped route into the rear garden.

Improvements are also proposed to the external elevations of the building and fenestration to improve and enhance its appearance which include the reinstatement of the missing front vestibule, to return to a paired arrangement that is prevalent locally, and the replacement of the existing late 20th century uPVC casement windows with sash windows with a horizontal glazing bar, to match the original fenestration. The 20th century doors would also be replaced with doors more traditional in appearance. The buildings would be decorated in a simple colour palette of cream and white, to match the villas in Cary Crescent, next door.

New flat roofed extensions are proposed to the rear at lower ground floor level to provide appropriate living space however the total quantum of development proposed is less than the existing building volume.

The proposal also includes two new units of accommodation, incorporating and extending above, the existing garage. The new units are contemporary in design

with a stuccoed frontage to match properties on Croft Road, with the upper form being clad in anthracite metal.

It is proposed to re-open a former pedestrian access which would provide a second entrance to the building from Tor Church Road. Additionally, a new length of footway would be provided linking the two entrances and extending eastwards to connect to the existing pavement outside the adjoining Majestic Templestowe Hotel.

The existing pedestrian access to the site off Croft Road would also be upgraded with a new ramp access replacing the existing steps.

The provision of resident and visitor parking and secure cycle storage at the top of the ramp along the south-western boundary of the site. The redevelopment scheme is predominantly a car-free proposal. However, part of the existing small car parking area located off Tor Church Road would be retained for car parking for the proposed two studio flats (one space per flat). In addition, one visitor car parking space would be provided.

Pre-Application Enquiry

A pre-application enquiry was submitted on 07.08.2025 for the conversion of the hotel into 30 apartments and associated works and was given a reference of DE/2025/0146.

Summary Comments:

- The proposed change of use is likely to be supported in principle because there is strong policy support for the repurposing of the hotel to bring it into more positive use. The case officer advised that the Council's policy is clearly to support larger purpose-built hotels in waterfront and harbourside areas and to be flexible about allowing residential use of more marginal hotels.
- Officers recommended strongly that the wedge-shaped infill extension is demolished.
- Officer advised that there is potential for the loss of the wedge-shaped building to be compensated for by the provision of accommodation at the rear of the site (subject to size, siting, design and the impact on the main building, wider conservation area and any protected trees).
- The case officer did not consider that the siting of internal bathrooms etc and the impact from moisture within the building is a cause for concern to the extent of warranting a review of room layouts.
- The project transport consultant would need to engage with Torbay Council's highways department regarding potential options for improving pedestrian connectivity.

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 (TNP)

Material Considerations

- National Planning Policy Framework (NPPF) August 2026
- Planning Practice 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.

NPPF:

The application has been assessed against the Development Plan and the National Planning Policy Framework (August 2026). The Framework 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.

It should be noted that the Seascope Hotel is included in Table 5 – Sites Proposed for Housing Development – H1cT24, under Policy H1c within the Emerging Local Plan.

Relevant Planning History

Pre-application enquiry DE/2025/0146 was submitted in August 2025 for 'Conversion of hotels into 30 apartments with associated works.'

Summary of Representations

5 representations have been received at the time of writing. 3 of these are objections, 1 is neutral and 1 letter supports the proposal.

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

Issues raised:

- Insufficient parking
- Increase in traffic/road safety

Summary of Consultation Responses

Planning Policy

Torbay has a pressing need to boost its housing supply and there is a strong policy support for reusing former hotels for residential purposes. The Seascope Hotel is not located within a Core tourism Investment Area and offers little to the tourism economy. It is a sustainably located site within easy walking distance of the town centre and moderate walking distance of a range of other facilities. As such the change of use is supported by Policies SS12, SS13, H1, and TO2 of the Local Plan and TT1 of the Neighbourhood Plan.

As you are aware, the council must apply the Presumption in Favour of Sustainable Development and cannot demonstrate a five year housing land supply. However, in my view, the proposal in principle accords with the development plan read as a whole and can be supported without needing to trigger the "tilted balance".

The building is a prominent one mainly within the Abbey Road Conservation Area (with smaller parts in Belgravia and Tormohun) and the application does raise a number of detailed development management issues. Policies TO1 of the Local Plan and TT2 of the Neighbourhood Plan both seek built environment improvements as part of the conversion away from hotels. I note that separate comments have been made on design at pre-application stage.

I welcome the provision of 20% affordable housing, which will be provided through S106 agreement. The starting point in Policy H2 is for onsite provision. However, the location and effective management of the affordable units should be agreed with the Affordable Housing Manager.

Although within Flood Risk Zone 1, Torbay is a Critical Drainage Area and there is a need to remove as much surface water as possible from the combined sewer in accordance with Policies ER1 and ER2 of the Local Plan. I note that the Flood Risk Assessment has addressed sustainable drainage options.

Torbay Council Affordable Housing Manager

This application is a conversion and rebuild of a former hotel/guest house and utilizes a brownfield site. The application proposed aligns with the policies for affordable housing which are set out in H4 of the Torbay Local Plan.

Policy H2 of the Local Plan sets out that a brownfield site of this size should provide 20% much needed Affordable Housing, delivered on site. The applicant has proposed that 6 units are affordable homes which could be owned and managed by a Registered Provider.

The policy requirement for the tenure of these properties should be 1/3 Social Rent, 1/3 Affordable Rent and 1/3 Shared Ownership. However, this is potentially difficult to achieve. The applicant would need to discuss this in more detail with the Affordable Housing Manager.

The units all meet Nationally Described Space Standards. This would not be a barrier to a Registered Provider taking the units into their portfolio of stock. I have noted that there is a lift within the property which would be an advantage to applicants on the Housing Register who may have mobility issues. However, none of the units will be built to M4(3) standards.

Principal Historic Environment Officer

This is a positive application which will enhance the character and appearance of the building as a Non-Designated Heritage Asset and also the identified conservation areas. Although the submitted joinery details are likely to be acceptable, they appear to be indicative only, so clarity on which windows are to be replaced, and with which detailed design would be required. This could potentially be secured through an external joinery condition and an associated window and door schedule.

I would also suggest a 'making good to match existing' condition for the external openings which are proposed to be partially infilled. There also appears to be some additional stone boundary walling proposed within the site, so a condition requesting a sample panel or for the walling to match existing would also be useful.

The proposed new build would also have an acceptable impact in principle, but details should be secured through condition. I would encourage external joinery details along with samples of external walling and roofing materials to be conditioned.

This being the case there are no objections from a heritage perspective.

Housing Need

There are currently 1664 applicants on the Housing Register in Bands A-D in

Torbay. The most pressing need on the register is for 1 and 2 bed properties. It is pleasing to note that the properties proposed are mainly one bed 2 persons, and two bed 4 persons, which would meet this acute need. The table below details the number of households who require one and two bed roomed properties on the Devon Home Choice register

The smaller units would offer a downsizing opportunity for people who are in larger affordable homes, especially if they are seeking a town location near to services and amenities.

This application is in a sustainable location. It is near to the Town Centre of Torquay where there are public transport options as well as easy access to shops and facilities such as GPs and other health and support agencies.

If this application is approved, a Section 106 agreement will be required. This should include the following:

- A Local Connection to Torbay through Residence, family or employment.
- An Accommodation Schedule detailing the location of each affordable property. This should be discussed and identified with the Strategic Affordable Housing and Delivery team to ensure that a Registered Provider would own and manage the units.
- An alternative mechanism should be included if a Registered Provider cannot be found to own and manage the units. This should be in accordance with Planning contributions and affordable housing SPD . This will ensure that the required affordable housing could be provided off-site.

Conclusion

This application is policy compliant for the Affordable Housing element of the planning application.

Highway Authority

No issue with the reduced parking provision for increased bin storage, as the site is in a sustainable location. We are happy with the location of the additional refuse, as set out in the Transport Assessment, the proposed number and size of bins is in line with the guidance set out in the Torbay Recycling and Waste Collection Guidance for Developers.

A s.278 agreement will be required for works to the highway.

Climate Emergency

The applicant must submit a revised Energy Statement, stating the exact and finalised measures that are to be installed across the site, and specifically covering fabric improvements, PV and low carbon heating and hot water solutions. This can be via a condition, the submission of the revised report must be prior to commencement on site.

Ecology Advisor (Devon County Council)

No objection subject to the standard Biodiversity Net Gain (BNG) informative and an informative advising the applicant of their legal duty to ensure bats and nesting birds are protected as part of this development and conditions regarding;

- No unauthorised external lighting
- Compliance with the identified wildlife enhancements
- Bird nesting season compliance

Torbay Council Drainage Engineer

No objection subject to a suitably worded condition.

South West Water

No objection

Police Designing Out Crime Officer

It is considered that a Secured By Design condition is necessary to ensure the comment from a designing out crime, fear of crime and anti-social behaviour perspective are addressed.

Torquay Neighbourhood Plan Forum

This Application will convert a hotel that has been used in recent years, predominantly by councils outside Torbay, to house people with various social problems. This has resulted in much antisocial behaviour in the surrounding area. The Forum considers that conversion into much needed permanent accommodation is a positive move.

The plans themselves show consideration for the original architecture, with the proposal to remove several of the later unsightly additions. This will enhance the Conservation Area, and the setting of the Listed Buildings opposite. The additional number of housing units will be an added bonus to the total required for Torquay. We would like to see more information on whether they will be classed as affordable accommodation.

The Forum is concerned about the lack of parking on site, although we acknowledge that there is access to public transport nearby, and a number of hub facilities are within walking distance. We question whether the current garage should be converted into accommodation. There is little space in the surrounding streets, but this was an issue when the building was being used as a proper hotel. The slope of the land also prevents parking areas from being created behind the building.

The Forum welcomes the alteration to the street frontage that will enable a footpath to be installed immediately in front of the property. However, consideration needs to be given to the number of delivery vehicles that would be pulling up outside on a daily basis, as this is not a wide road, and is the main access road to Torquay Town Centre for all types and sizes of vehicles.

The Forum has also considered the sustainable travel arrangements for the development, which are central to the car-free justification. Whilst we welcome the proposed footway improvement, we have a number of concerns about

whether it fully delivers the accessible pedestrian environment required. In particular, the new footway ends approximately 10 metres short of the existing pedestrian crossing at the western end of the frontage, leaving an undefined gap on a 30mph road with a recent record of pedestrian injury collisions. Given the importance of this, we would like to know whether the applicant has genuinely exhausted negotiations with the third-party landowner to close this gap. The Forum also notes that the cycling environment on Tor Church Road, a 30mph road with high traffic volumes and no physical protection, does not meet current national design standards under LTN 1/20, and that Torbay's hilly topography makes this a genuine barrier for many potential cyclists. The Forum supports the principle of sustainable travel but considers that a local 20mph speed limit on Tor Church Road and the surrounding streets would materially improve conditions for walking and cycling. This would be consistent with the Devon and Torbay Local Transport Plan 2025–2040. We ask the Local Planning Authority to consider whether a proportionate contribution towards sustainable transport improvements, including cycling infrastructure, bus stop accessibility and a 20mph scheme, can be secured as part of this application.

Torbay Council Community Safety Officer

No objection subject to the addition of a pre-occupation condition regarding the submission of a noise level assessment.

SWISCo Green Infrastructure Team

The loss of two trees to the rear of the site would be a planning balance. An Arboricultural Method Statement will be required via condition to ensure the proposal does not impact on TPO'd tree T4 at the rear of the site.

Waste Management

No objection.

Planning Officer Assessment

1. Principle of Development
2. Visual and Heritage Impact
3. Residential Amenity
4. Highways, Movement, Parking and Waste
5. Ecology, Biodiversity and Trees
6. Flood Risk and Drainage
7. Low Carbon Development and Energy

1. The Principle of Development

Housing Need

The proposal is for the conversion and extension of hotel and ancillary garage into 29 residential apartments, including demolition of parts of existing buildings, alterations to the facades of the buildings and accesses, construction of additional residential floorspace above the ancillary garage, parking provision and other associated works.

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 and a 20% buffer be applied.

Policies SS12, SS13 and H1 of the Local Plan seek to provide sufficient housing in Torbay and to maintain a five year land supply. Policies SS13 and SS3 of the Local Plan set out a "presumption in favour of sustainable development" for housing separate to the NPPF. This is returned to later in relation to the NPPF and operation of the Presumption in Favour of Sustainable Development; but it is noted that the Local Plan contains policies that seeks to give favourable consideration to new housing (subject to other considerations) separately from the NPPF. Policy H1 of the Local Plan states that proposals for new homes within the built-up area will be supported subject to consistency with other policies in the Local Plan. Proposals for new homes on unallocated sites, including the renewal of existing permissions, will be assessed on the basis of set criteria, proportionate to the scale of the proposal.

The NPPF August 2026 continues to support the Government's objective of significantly boosting the supply of homes and expects decisions to support the delivery of a sufficient amount and variety of housing, including homes that meet identified local needs.

The August 2026 NPPF gives strong support to making effective use of land, including the reuse of suitable brownfield and under-utilised land and buildings within settlements where this would help to meet identified housing needs.

Policy HO7 (Meeting the need for homes) of the NPPF outlines that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

Policy L2 (Making effective use of land) of the NPPF promotes the effective use of land in meeting the need for homes and other uses. This Policy presents clear support for the principle of using land effectively to meet the need for homes and guides that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. It also promotes support for the development of under-utilised land and buildings, especially where proposal would help to meet identified needs for housing.

Policy S3 (Presumption in favour of sustainable development) of the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*

The site is within the settlement area and therefore Policy S4 (Principle of development within settlements) of the NPPF applies. Policy S4 of the NPPF states 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 within the Framework.

The Policy goes on to say that in applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

- a. Have a substantial adverse impact in relation to:

 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or*
 - ii. The application of the policies in the Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).**
- b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or*
- c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.*

Policy H1 of the Local Plan states that proposals for new homes within the Strategic Delivery Areas will be supported subject to consistency with other policies of the Plan and subject to nine criteria, notably including the need to provide a range of homes to meet the objectively assessed needs and maintain a rolling 5-year supply of deliverable sites.

Policy SS11 of the Local Plan states that development will be assessed against its contribution to improving the sustainability of existing and new communities within Torbay. Development proposals will be assessed according to whether

they create a well-connected, accessible and safe community, protect and enhance the local natural and built environment, and deliver development of an appropriate type, scale, quality, mix and density in relation to its location.

In terms of The Neighbourhood Plan Policy TS4 states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan.

There is a clearly stated government objective of boosting the supply of housing. Policies SS3 and SS13 of the Local Plan also set out a presumption in favour of sustainable development separately to the NPPF. Accordingly, the presumption in favour of sustainable development is applied to applications involving the provision of housing.

Development Plan policies are taken into account when assessing whether the harm caused would substantially outweigh the benefit.

The provision of housing and the local housing supply context weighs heavily in favour of the grant of planning permission. Bearing the aforementioned points in mind, the principle of the development in this location is deemed to be acceptable and would accord with the relevant NPPF and Development Plan policies identified.

Change of use from hotel to residential

Tourism is a key sector of Torbay's economy providing a range of employment opportunities and contributing to 20% of the jobs in the area.

Torbay Council's English Riviera Destination Management Plan 2022-2030 emphasises that quality is key and highlights an over-supply of accommodation, which is depressing prices and restricting investment. Visitor accommodation is listed as the top priority for destination management and the report states that:

"The management of accommodation change of use with Council planning policies is essential to avoid the risk and drift toward low quality visitor accommodation."

"It is better to support the transition to alternative uses which complement the ambitions for the remaining visitor accommodation and the objectives set within this Plan to drive the visitor economy. Torbay has 31,000 bedspaces and, even though half of it is non-served, the remaining 15,000 space still represents an over-supply."

Policies TO1 and TO2 support the tourism sector. Policy TO1 supports the retention of tourist accommodation in sustainable locations with a focus on the Core Tourism Investment Areas (CTIAs). The site is outside the CTIA. Policy TO2 states that outside CTIAs the change of use of holiday accommodation will be allowed where the holiday character and range of facilities are not undermined and one or more of the following apply:

1. the site is of limited significance in term of its holiday setting, views and facilities
OR
2. there is no prospect of the site being used for tourism or related purposes
OR
3. the change of use would bring regeneration or other benefits that outweigh the loss of holiday accommodation.

Officers concur with comments in the applicants Planning Statement which state that the Seascapes Hotel is outdated and in need of significant upkeep/modernisation and the hotel is operating in a very limited capacity with just one employee. The applicant states that it is not viable to keep the hotel running and Officers consider that it adds little to the tourism offer in Torbay.

It is therefore considered that the proposal meets the first criterion of Policy TO2 in having limited significance in terms of its holiday setting, views and facilities (see Policy TT1 below).

The current application is for 29 self-contained residential units and the change of use would bring benefits in terms of providing a use for an existing, sustainable, brown field site in close proximity of Torquay town centre and refurbishing a key building on the Conservation Area for the future. As such, the proposal is considered to meet criterion 3. As such the proposal is in accordance with Policy TO2.

Policy TT1 of the Torquay Neighbourhood Plan 2019 states that the change of use to residential dwellings from tourism properties outside the CTIA's will be supported subject to meeting one of the following criterion:

- the site being of limited significance to the tourism setting (typically 10 letting rooms or less of serviced holiday accommodation) OR
- there is a lack of viability for tourism (including that it can be demonstrated that the current business has been marketed on realistic terms for 12 months without sale) OR
- at least half of the units within the property are already of Class C3 residential status.

The change of use of this property, despite its size, has a limited significance to the overall tourism offer and character in this part of Torquay. The proposal is considered to be in accordance with this Policy.

Policy TT2 of the Torquay Neighbourhood Plan 2019 states that, within Conservation Areas, change of use from tourism will be supported in principle to ensure a sound future for heritage assets and to ensure that unsympathetic development of the past is removed to enhance the environment. The proposal would meet this criterion and the benefits of this development to the site and wider conservation area(s) is discussed in more detail later in this report.

For the reasons above the principle of the change of use is considered to be comfortably aligned with national guidance contained within the NPPF and aligned

with the aspirations of the Development Plan, specifically in regard to the aims and ambitions of Policies TO1 and TO2 of the Torbay Local plan and Policies TT1 and TT2 of the Torquay Neighbourhood Plan. In summary, the principle of the proposed change of use to residential is in accordance with the policies of the Development Plan and the Torquay Neighbourhood Plan.

2. Visual and Heritage Impact

Achieving good design is a central thread within national guidance and 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.

Similar design expectations are engrained within the Development Plan through Policies SS10, SS11 and DE1 of the Torbay Local Plan, and through TH8 (Established Architecture) of the Torquay Neighbourhood Plan, which requires development to be of quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

The building sits within a designated heritage asset with the bulk of the site being located in the Abbey Road Conservation Area and the garage and elevated parking area within the Tormohun Conservation Area. The south-western site boundary is also formed with the Belgravia Conservation Area.

The building is identified as a key building of architectural importance which makes a significant contribution to the townscape within the Abbey Road Conservation Area Appraisal and as such it can be considered as a Non-Designated Heritage Asset (NDHA). The general thrust of policy guidance within the Development Plan and NPPF is for development to sustain and enhance character, to take opportunities to remove deleterious features, and to give great weight to the conservation of assets within the decision-making process.

There are Grade II Listed Buildings to the south-west (9 Croft Road and Mulberry House, 1 Scarborough Road) and to the north (9 Tor Church Road & 3 and 5 Tor Church Road).

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 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.

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 the NPPF which recognises that heritage assets range from sites and buildings of local historic value to those of the highest significance.

Policy HE4 (Securing the conservation of heritage assets) of the NPPF states that development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

- a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and
- b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

Policy HE6 of the NPPF considers that “when considering the impact of a proposed development on the significance of a designated heritage asset, significant 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”.

This policy goes on to state 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. Important public benefits can include securing the long-term reuse of a vacant or underused listed building and enabling energy efficiency and low carbon heating measures to be employed.

NPPF Policy HE7 (Decisions on non-designated heritage assets) advises that development proposals which would have a positive effect on a non-designated heritage asset should be supported.

The original building is mid to late Victorian with some negative 20th Century infills extensions and UPVC windows and doors. The development proposes the

conversion of existing buildings which are in a state of disrepair and require restoration.

The proposal includes the following works of restoration;

- Demolition of the deleterious 20th Century single storey wedge shaped block connecting the two older buildings.
- Reinstatement of the front vestibule to the front elevation.
- Repainting the building to be more in keeping with neighbouring properties in the Conservation Area.
- The demolition of the utilitarian flat roofed dining extension to the rear of the property.
- Removal of escape steps.
- Replacement of modern UPVC windows with timber sash windows and glazing bars to match the original.

The application also includes that addition of 2 duplex apartments which encompass the existing garage facing Croft Road and extend above (on top of an existing area of parking). The apartments have been designed with a modern approach and high-quality materials, as recommended during the pre-app stage. The design compliments the existing stuccoed frontage to Croft Road, employing its symmetry and architectural detailing. The new upper form is simply detailed and is clad in anthracite metal, which would provide a contemporary counterpoint to the setting.

Overall, the development is considered to be positive in heritage and townscape terms. The removal of poor-quality 20th-century extensions, replacement windows and doors, together with the reinstatement of more sympathetic detailing, would enhance the key building within the Abbey Road Conservation Area and preserve the character and appearance of the relevant conservation areas and the setting of nearby listed buildings.

The proposals are considered to be in accord with national guidance contained within the NPPF (Chapter 14 and Policy DP3) and the Development Plan, specifically in regard to Policies SS10 and TO2 of the Torbay Local plan and Policies TH8 and TT2 of the Torquay Neighbourhood Plan.

3. Residential Amenity

The Torbay Local Plan contains policies to ensure that appropriate residential standards are achieved in residential schemes, including size standards, through Policy DE3, and that development meets the needs of residents and enhances their quality of life, through Policy SS11.

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 easy walking distance of Torquay Town Centre and is considered to be in a sustainable location and well suited to a residential occupancy, presenting good opportunities for future occupants in terms of access to services, facilities and sustainable transport options.

Future Occupiers

When assessing the quality of the future residential environment it is important to consider the size and quality of the internal living spaces, the levels of outlook and natural lighting afforded key habitable rooms, levels of privacy, along with the quality of outdoor spaces and access to waste, cycle and car parking facilities, which are all integral elements for residential developments. The aspiration is to secure good level of amenity for future residents.

The applicant has submitted a noise assessment of the potential noise impact of the small commercial garage next door to the application site on the proposed residential accommodation. The assessment considers the proposed noise-sensitive receptors, hours of operation and how potential noise impacts could be mitigated, if necessary.

The noise assessment sets out that, due to there being no party wall and no windows overlooking the garage, internal noise levels within the proposed duplex apartments from the commercial garage would be controlled below the required levels. Any perceptible noise would be at a level that is deemed to be non-intrusive and suitable for residential use.

The conclusion of the noise assessment is that the proposed development is acceptable from an acoustic perspective and no mitigation measures are required.

The apartments meet the national internal living spaces standards of Policy DE3 and support the concept of a good level of amenity for future occupiers. The apartments will be afforded communal space to the south that exceeds the 10sqm per flat expectation in the Development Plan.

The proposal is considered to comply with Policy DE3 of the Torbay Local Plan, Policy THW4 of the Torquay Neighbourhood Plan and guidance within the NPPF with regards to neighbour amenity and living standards.

Adjacent Occupiers

The proposal includes the addition of 2 duplex units of accommodation to the south of the site facing Croft Road which make use of the existing road level garage and extend above. The introduction of these additional units would result in windows facing existing properties on Croft Road, this however is not an unusual relationship, particularly in an urban setting such as this. The impact of the new units of accommodation on the amenity of neighbouring occupiers on Croft Road is considered to be minimal and that there would be no significant increase in overlooking or intervisibility between the proposed units.

The change of use to residential is not likely to increase the amount of noise or disturbance to the local environment. However, the proposal does include the addition of air source heat pumps and the advice from Environmental Protection is that a condition is attached to any permission which requires the applicant to provide a noise assessment of these units for review prior to the occupation of the new use.

In terms of designing out crime it is recommended that a planning condition is attached to secure details on how the development responds to Secured By Design.

Bearing the above points in mind, the proposal is deemed to be in accordance with Policy DE3 of the Torbay Local Plan, Policy THW4 of the Torquay Neighbourhood Plan and guidance within the NPPF with regards to neighbour amenity and living standards.

4. Highways, Movement, Parking and Waste

Policy TA2 of the Toray Local Plan requires development proposals to ensure an adequate level of accessibility and safety and to satisfy the transport needs of the development. It also requires a good standard of access for walking, cycling and public and private transport in major development schemes and make high quality provision for sustainable transport modes and adequate turning/manoeuvring space on site.

Policy TA3 and Appendix F of the Local Plan states that flats should be provided with 1 on-site parking spaces for motor vehicles, cycle storage, and provisions for the storage of refuse bins and recycling boxes. Policy TH9 of the Neighbourhood Plan states that the parking requirements set out in the Local Plan must be complied with, and that applications for additional residential accommodation should be assessed for their parking demand.

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 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 only 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.

Sustainable Location

The site is within the built-up area of Torquay and is close to Torquay Town Centre and a 6-minute walk west from the central retail area of Union Street. On-street parking is located to the rear of the site on Croft Road. There is a pedestrian crossing 50 metres west of the proposed site entrance on Tor Church Road. The nearest bus stop is located on Tor Hill Road, a 5-minute walk east to the site, and services the 35A and 62, which provide frequent access to Torquay Town Centre. A second bus stop is located on Lucius Street which services the 35A, providing access to Torquay Town Centre. Torquay Train Station is located a 15-minute walk south of the proposed site, and Torre Train Station is located a 14-minute walk north of the proposed site.

The application includes improvements to the existing site accesses and pedestrian connectivity. It is proposed to re-open a former pedestrian access, therefore providing two entrances to the building from Tor Church Road. Furthermore, a new length of footway would be provided linking the two entrances and extending eastwards to connect to the existing pavement outside the adjoining Majestic Templestowe Hotel (these works will require a s.278 agreement). The existing pedestrian access to the site off Croft Road is proposed to be improved by replacing the existing steps with an accessible ramp.

Appendix F of Local Plan Policy TA3 requires one car parking space per residential apartment. The proposal provides three car parking spaces. However, given the existing layout, built form and heritage context of the site, there is limited scope to provide 29 on-site spaces. It is also relevant that the existing 57-bedroom hotel and owner's accommodation is served by two coach bays and nine delineated car parking spaces, including six spaces within the garage accessed from Croft Road, whereas Appendix F would require approximately 60 spaces for that existing use.

Neighbourhood Plan Policy TH9 states that all housing developments must meet the guideline parking requirements contained in the Local Plan, however this policy includes caveats with one being when development is within the town centre and an easy walk of a public car park. Neighbourhood Plan Policy TTR2 seeks to encourage a reduction in the need to travel, adding that support will be given wherever possible to development proposals that minimise the distance between homes and places of work, education, recreation and shopping.

In terms of electric car charging facilities, charging points are proposed for the parking spaces that would serve the two new build flats.

Thirty covered and secure cycle parking spaces over a two rack stacking system are proposed which accords with Appendix F of the Torbay Local Plan 2012-2030. The cycle parking is located to the rear of the site and adjacent to a new ramped access on to Croft Road.

Waste storage is provided via communal storage areas at the Tor Church Road level.

Given the sustainability of the sites location, close to the town centre, amenities and public transport, together with the proposed improvements to access and to the extension to the existing pavement outside of the site, the proposal is considered to provide satisfactory pedestrian movement opportunities and parking and cycle facilities, in accordance with Policies DE1, TA1, TA2 and TA3 of the Torbay Local Plan, Policy TH9 of the Torquay Neighbourhood Plan, and guidance contained within the NPPF.

5. Ecology, Biodiversity and Trees

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and geodiversity and take opportunities for enhancement, proportionate to the context and development.

The applicant's ecological assessment states that two sections of the buildings were found to have low potential to support roosting bats and were subject to an emergence survey on July 29th 2025. No bats were observed emerging from the buildings and little activity was recorded. As the survey did not observe any bat emergence, no further surveys are required to prove their presence/likely absence. Therefore, no further survey or licencing is required prior to the commencement of works. However, the assessment states that as a precautionary measure, an updated roost assessment will be undertaken prior to any works to the roofs to verify that bats have not subsequently colonised the buildings.

The Councils ecology concurs with these findings and has advised that conditions are added to ensure the development is carried out in accordance with the actions within the ecological assessment and a condition referring to vegetation clearance and the bird breeding season. The advice also advises the addition of an informative reminding the applicant of their duty to protect bats and breeding birds during the demolition and construction phases of the development.

Subject to the addition of these conditions, the development is deemed to accord with NC1 of the Torbay Local Plan.

BNG will be discussed later in this report.

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 will not be permitted where it would seriously harm protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. The policy also 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.

The proposed development would result in the loss of two trees at the rear of the site to facilitate the improved ramped pedestrian access, the Council's Senior Tree Officer has advised that these trees (palm and Cordyline) are of moderate

quality (B). The loss of these trees must be considered in the overall planning balance of the application as a whole which includes the provision of housing on a brownfield site, six affordable housing units, the heritage improvements to the building and the improved pedestrian movement around the site. Although the loss of the trees is unfortunate, their visual contribution to the conservation area and wider street scene is considered to be minimal and a soft landscaping condition can be added to an approval which would require the addition of tree planting. The positive aspects of the proposed development overall are deemed to outweigh the loss of the two trees.

The Council's Senior Tree Officer has raised concerns over the proximity of the proposed soakaway to an offsite tree, tree T4, which is protected by a tree preservation order, and its impact on the root protection zone. Further details of the construction methodology are required to confirm the soakaway installation would not impact on the root protection zone of T4. The Council's Senior Tree Officer has confirmed that this can be via a pre-commencement (other than demolition) condition requiring the submission of an Arboricultural Method Statement (AMS).

The proposal is considered to be acceptable on arboricultural grounds, subject to the addition of conditions.

6. 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.

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 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.

The site is in Flood Zone 1 and the Critical Drainage Area with a small proportion of the site identified by the Environment Agency as being at risk of future flooding from surface water run-off.

Following development, there will be a minor increase in impermeable area due to the reconfiguration and construction of additional parking areas. The applicant has stated that there will be an overall decrease in the impermeable areas of the buildings following the proposals.

The applicant has undertaken preliminary infiltration testing and has presented both infiltration and attenuation options for the management of surface water

runoff. However, the submitted report acknowledges that full BRE365 infiltration testing has not yet been undertaken at the proposed soakaway location and invert level. Previous correspondence confirmed that falling head testing was only acceptable to inform an outline drainage design and that full BRE365 testing would be required following demolition of the existing hotel. As such, infiltration has not yet been demonstrated as a viable means of surface water disposal and cannot be relied upon at this stage.

While the Flood Risk Assessment concludes that groundwater flood risk is low, this is based on limited evidence. Further investigation is required to assess potential impacts on groundwater, retaining walls, basement structures, and lower ground floor accommodation, particularly if infiltration drainage is pursued.

The Councils Senior Drainage Engineer has confirmed that there is no objection in principle to the development, recognising that demolition of the existing hotel is required before the necessary infiltration testing can be undertaken. Consequently, it is accepted that some matters cannot be fully resolved at this stage.

The Councils Senior Drainage Engineer therefore raises no objection subject to planning conditions, requiring the submission and approval of a detailed surface water drainage scheme and flood risk mitigation measures. The detailed design must demonstrate that the development will be safe from flooding, will not increase flood risk elsewhere, and will be supported by hydraulic calculations and further technical evidence.

Subject to the provision of additional information via condition to confirm that the proposed drainage methods are acceptable, the proposal is considered adequate on flood risk grounds and would accord with Policies ER1 and ER2 of the Torbay Local Plan and guidance contained within the NPPF.

7. Low Carbon Development

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.

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion

of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The application is supported by an Energy Statement that seeks to address the ambitions of the Development Plan and the NPPF. This notes that options to provide a large reduction in overall energy use include, hot water heat pumps to apartments within the main building, air source heat pumps to the two studio flats and a PV array to the sloping roofscape of the studio flats. The Councils Principal Climate Emergency Officer has advised that the document provided limited reassurances that these measures will be provided and has recommended that additional information is provided via a pre-commencement condition.

Subject to the submission of suitable additional information, the proposals are considered to be in line with Torbay Local Plan policies SS14 and ES1.

Sustainability

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

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. The development would see the use of a redundant brownfield site. Once the development is occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

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

The Social Role

The principle social benefit of the proposed development would be the provision of 29 additional housing units on a sustainable site, particularly 6 Affordable Housing units. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. The social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development the development is supported by drainage, landscaping and ecological measures to mitigate impact, as detailed in this report. It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the 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

S106

A section 106 Legal Agreement is required to be entered into to ensure that the development delivers 20% affordable housing. For a development of 29 units, this equates to 6 units of affordable accommodation. The section 106 agreement should include the following:

- A Local Connection to Torbay through Residence, family or employment.
- An Accommodation Schedule detailing the location of each affordable property. This should be discussed and identified with the Strategic Affordable Housing and Delivery team to ensure that a Registered Provider would own and manage the units.
- An alternative mechanism should be included if a Registered Provider cannot be found to own and manage the units. This should be in accordance with Planning contributions and affordable housing SPD. This will ensure that the required affordable housing could be provided off-site.

Sustainable Transport: In accordance with Policy SS7 of the Local Plan and the Planning Contributions and Affordable Housing Supplementary Planning Document (December 2022) (to open market housing only) Sustainable Transport obligations should be secured. However, such contributions cannot be sought due to 23no. open market units being CIL liable and the 6no. affordable units would be ineligible due to site deliverability matters.

Public Open Space, Sport and Recreation: In accordance with the Council's Planning Contributions and Affordable Housing Supplementary Planning Document (December 2022), residential developments are expected to provide public open space as part of their layouts to match the types of open space likely to be needed by residents, and enable a good level of access to sport, leisure

and recreation facilities. The breadth of facilities to support development are identified as:

- Playing Pitches
- Other Sport and Recreation Facilities
- Equipped play facilities for young people
- Greenspace/Open spaces
- Allotments/sustainable food production However, such contributions cannot be sought due to 23no. open market units being CIL liable and the 6no. affordable units would be ineligible due to site deliverability matters.

Education: Obligations in-line with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document (December 2022) should be sought to secure increased school capacity within Torquay, however, such contributions cannot be sought due to 23no. open market units being CIL liable and the 6no. affordable units would be ineligible due to site deliverability matters.

Lifelong Learning Obligations: Obligations in-line with the Planning Contributions and Affordable Housing Supplementary Planning Document (December 2022) should be sought to secure library improvements within the area. This contribution is not sought as 23no. open market units being CIL liable and the 6no. affordable units would be ineligible due to site deliverability matters.

Waste and Recycling: Obligations in-line with the Planning Contributions and Affordable Housing Supplementary Planning Document (December 2022) should be sought to secure waste and recycling facilities for properties that will be served by the Local Authority waste collection provider. This contribution is not sought as 23no. open market units being CIL liable and the 6no. affordable units would be ineligible due to site deliverability matters.

CIL

The land is situated in Charging Zone 1 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £30/sqm for 15+ dwellings. The CIL liability is indexed linked, and the final figure will be calculated on the day of the decision. An informative can be imposed, should consent be granted, to explain the applicant's/developer's/ landowner's obligations under the CIL Regulations. CIL is a "Local Finance Consideration" relevant to determining applications. However, in the officer's assessment, it is not a determining factor (either way) in the planning balance assessment below

EIA/HRA

N/A

BNG

Biodiversity net gain (BNG) is a legal requirement for planning permission introduced on 12 February 2024. All applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why they are exempt from doing so.

The BNG assessment shows an increase in on-site habitat units from 0.25 units at baseline to 0.28 units post-development, representing a net gain of approximately 0.04 units, equivalent to a 14.61% increase

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 Council's Ecology Consultants has confirmed that the BNG forms have been completed correctly and that the standard BNG condition and informative should be added to any permission.

Planning Balance

The planning assessment considers the policy and material considerations in detail.

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

It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing and the housing supply is a substantial public benefit.

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 terms of material considerations, the provision of 29no. residential units, is a significant public benefit in favour of the development where national guidance seeks to significantly boost the supply of homes. The weight afforded to housing supply is not insignificant where the most recent Housing Delivery Test in August 2026 stated Torbay's result is 40%. Torbay's most recent housing land supply (2025) is that there is 1.65 years, which is a significant shortfall.

In terms of other matters that weigh in the developments favour there will be economic benefits through construction phase in terms of created jobs, and post construction in terms of local household spend within the local economy. In addition, social, economic and environmental benefits associated with building and occupying homes weigh in favour of the development.

In-line with the above conclusions and the assessment within this report, the proposals are considered to be in principle accordance with the provisions of the Development Plan and to demonstrate that an acceptable scheme could be

accommodated on the site. The NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.

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.

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

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay. For housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, the NPPF guides to granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (29no. residential units), when assessed against the policies in the NPPF when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Although further drainage testing is required, it is not anticipated that flood risk will not be increased and the proposed water management scheme is supported in principle by the Council's Drainage Engineer and there is no objection from South West Water.

Subject to the recommended planning conditions and planning obligations, there are no impacts on protected areas or assets of particular importance to provide a strong reason for refusal

Officer Recommendation

Approval: Subject to;

The conditions outlined below, with the final drafting of conditions delegated to the Divisional Director of Place Strategy.

The completion of a Section 106 legal agreement to provide 6 units of affordable accommodation.

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.

Conditions

1. Stone Wall Details

Prior to the repair or installation of new stone walling materials, sample panel(s) of all new and/or reused facing stonework, including in the construction of walls, shall be provided on site showing the proposed -

Stone types, sizes, colour, texture face-bond and pointing mortar mix, joint thickness and finish profile and methods of repair. The stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used.

Approval of the materials and methods shall be confirmed in writing by the Local Planning Authority prior to installation of the materials and development shall then take place in accordance with the approved details. The approved sample panel(s) shall be retained on site until the work is completed.

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

Reason: In the interest of visual amenity and in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

2. Joinery 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
- 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 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

3. New Build Materials and Details

Prior to their installation, technical details and/or samples of the proposed external joinery, exterior materials including wall finishes, roofing materials, eaves, fascias and rainwater goods for the two newbuild apartments hereby approved 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 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

4. Unexpected Contamination

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In the interests of public health and the natural environment in accordance with Policy ER3 of the Adopted Torbay Local Plan 2012-2030.

5. Drainage

Prior to the commencement of development, other than demolition, a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed design and Flood Risk Assessment must fully demonstrate that the development will be safe from all sources of flooding for its lifetime. It must also show that the development will not increase flood risk elsewhere and, where possible, will reduce overall flood risk. The scheme shall include:

- Detailed hydraulic calculations demonstrating that the drainage system can accommodate the critical 1 in 100 year storm event plus 50% climate change and 10% urban creep allowances without causing flooding on site or increasing flood risk elsewhere.
- Details of exceedance flow routes demonstrating that exceedance flows will be contained within the site and directed away from buildings.
- Full BRE365 infiltration testing undertaken at the proposed soakaway location(s) and invert level(s), where infiltration drainage is proposed.
- Evidence demonstrating that any infiltration drainage will not adversely affect groundwater conditions, retaining walls, basement structures or lower ground floor accommodation.
- A detailed surface water drainage layout identifying all existing and proposed drainage infrastructure, discharge points and flow controls.
- A long-term management and maintenance plan for the lifetime of the development

Reason: In the interests of adapting to climate change and managing flood risk, and to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and guidance contained within the NPPF.

6. Bats:

Development shall be carried out in accordance with the actions set out in the EcIA, Sylvan Southwest 2026 and any measures required under licence from Natural England. This condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the recommendations have been implemented.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF

7. Bird Nesting Season:

No building work or vegetation clearance 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 avoid harm to nesting birds in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

8. Construction/Demolition Management Plan

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) 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.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- j) Procedures for maintaining good neighbour relations including complaint management.
- k) 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.

Reason: In the interests of highway safety with regards to construction traffic and the amenities of surrounding occupiers during the construction of the development further to Policies TA2 and DE3 of the Adopted Torbay Local Plan 2012-2030.

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.

9. Noise Impact Assessment

Prior to occupation of any of the units of accommodation hereby approved, details and an assessment of the sound levels generated by any proposed air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The proposed air source heat pumps shall achieve the noise limits set out in Microgeneration Certification Scheme MCS 020 at the nearest noise-sensitive receptors, following the calculation methodology set out in MCS 020.

Compliance with the approved noise levels shall be demonstrated by submission of acoustic calculations showing comparison with the MCS 020 noise limits

Reason: To prevent excessive noise and protect the residential amenity of occupiers and neighbours in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

10. Hard and Soft Landscaping

Prior to first occupation of the development hereby approved a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of two trees to replace those lost at the rear of the development and the following details: (a) size, species and positions for new trees and plants, (b) surfacing materials (including roadways, drives, patios and paths) (c) any retained planting and (d) a detailed programme of implementation. 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. All hard landscaping works shall be permanently retained thereafter in accordance with the approved details.

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.

11. External Amenity Spaces

The development hereby approved shall not be occupied or brought into use until the outdoor amenity space detailed on the approved plans have been provided in full. The outdoor amenity space shall thereafter be maintained and retained for the use of the development's occupiers for the life of the development. Reason:

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

12. Tree Protection AMS

No development, other than demolition, shall commence until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development;
- (b) Construction exclusion zones;
- (c) Protective barrier fencing;
- (d) Ground protection;
- (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision;
- (f) Service positions; and,
- (g) details of any special engineering requirements, including 'no dig construction';

The approved AMS shall be implemented and adhered to throughout the construction phase of the development. This condition applies to any trees and hedgerows on the site and on land within the ownership and control of the applicant. Where trees/hedgerows are not on site and not within the ownership and control of the applicant the AMS shall still include on-site protection measures where necessary

The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that all existing trees and hedges on the site and adjoining sites are adequately protected while development is in progress, in accordance with Policies NC1 and C4 of the Adopted Torbay Local Plan 2012-2030

13. Low Carbon

Prior to any development, other than demolition, the applicant must submit a revised Energy Statement, stating the exact and finalised measures that are to be installed across the site, and specifically covering fabric improvements, PV and low carbon heating and hot water solutions

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

14. Waste Storage

No dwelling shall be occupied until the approved waste storage facilities have been completed in full and made available for use. The facilities shall be maintained and operational at all times thereafter.

Reasons: In order to protect amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

15. Cycle Parking

No dwelling shall be occupied until the approved cycle storage facility serving that dwelling has been completed in full and made available for use. The facility shall be maintained and operational at all times thereafter.

Reason: To secure an acceptable form of development and to ensure adequate facilities for visitors, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

16. Section 278 Agreement

No dwelling hereby approved shall be occupied until the highway works shown on the approved plans, including the new length of footway extending eastwards to connect to the existing pavement outside the adjoining Majestic Templestowe Hotel, have been secured through a Section 278 Agreement and completed to the written satisfaction of the Local Highway Authority.

Reason: To provide safe and sustainable access to the site for drivers, cyclists and pedestrians in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

17. Electric Parking Provision

The development shall not be occupied until the electric vehicle charging points shown on the approved plans have been provided and made operational in accordance with the location identified in the submitted and approved plans. The facility shall be retained and be operational at all times thereafter to serve the dwelling that it relates to.

Reason: To secure an acceptable form of development and provide adequate electric charging facilities, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

18. Secured by Design

Prior to first occupation of the development, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the design of the development meets Secured by Design standards as far as practicable. The approved measures shall be implemented in full prior to first occupation and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of crime prevention in accordance with Policies SS11, DE1, DE3 of the Torbay Local Plan.

Informative(s)

1. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.
2. Bats and their roosts (resting/breeding places) and nesting birds are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Works should not resume until their advice has been followed. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest.
3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for 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.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Relevant Policies

Development Plan Relevant Policies

SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS10 – Conservation and the historic environment
SS11 – Sustainable Communities
SS12 – Housing
SS13 – Five year housing land supply
SS14 - Low carbon development and climate change
H1 – Applications for new homes
TA1 - Transport and accessibility
TA2 - Development access

TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape features
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ER3 – Contamination
ES1 - Energy
HE1 – Listed Buildings
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity
TE5 – Protected Species Habitats and Biodiversity
TH2 – Designing Out Crime
TH8 – Established Architecture
TH9 – Parking Facilities
TS4 - Support for Brownfield and Greenfield development
THW4 – Outside Space Provision