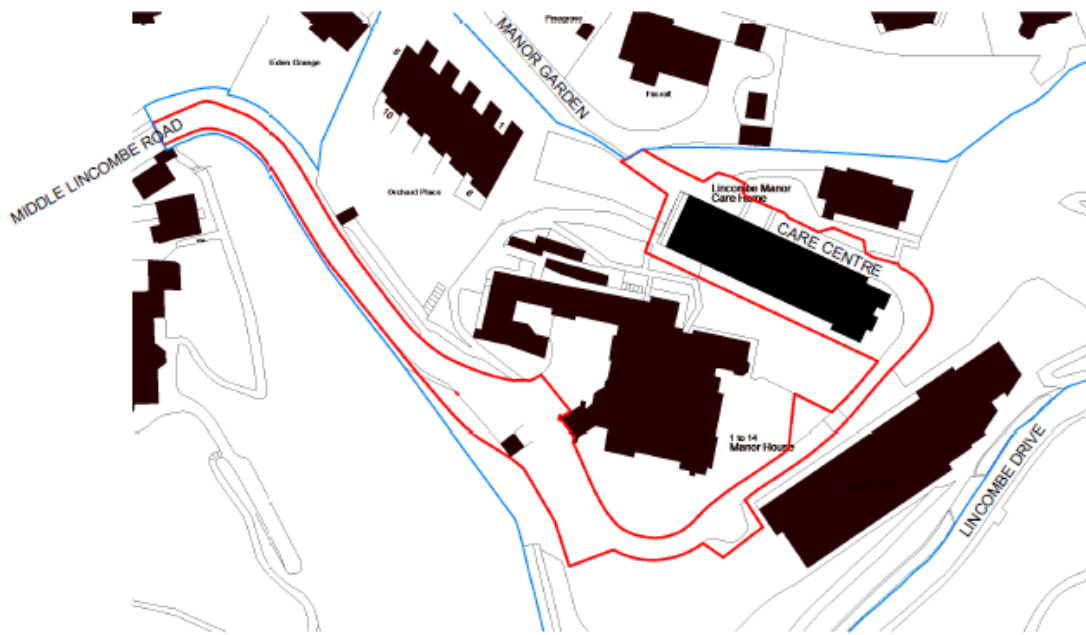


Application Site Address	Lincombe Manor Middle Lincombe Road Torquay TQ1 2AF
Proposal	Formation of roof level extension to provide 11 care rooms and associated works. (Description amended 19.10.2025).
Application Number	P/2019/1159
Applicant	Nicolas James Group
Agent	Bell Cornwell LLP
Date Application Valid	07.11.2019
Decision Due Date	02.01.2020
Extension of Time Date	
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 Unilateral Undertaking agreement and financial contribution to mitigate the development. 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	Referral by ward councillor
Planning Case Officer	Ross Wise



Site Details

The site, Lincombe Manor Care Centre, Middle Lincombe Road, Torquay, is a modern building built within the former grounds of Lincombe Manor which is a Grade II listed Manor House within the Lincombes Conservation Area.

Towards the centre of the wider site, as indicated by the blue line (the area of land within the applicant's ownership), is Lincombe Manor, the care centre building is located north-east of Lincombe Manor, separated by approximately 10m at its closest point. The site area of this current application (as defined by the red line) relates to a portion of the wider blue line area, extending from the highway, Middle Lincombe Road, through the blue line area to the Lincombe Manor Care centre complex.

The site is located within 250m of the Meadfoot Sea Road SSSI area.

Description of Development

This application for Planning Permission proposes to construct a roof level extension to provide 11 care rooms and associated works.

The description was amended (19.10.2025) following extensive revisions to the proposal to better reflect the works now proposed. The revisions included:

- Removal of link bridge
- Reduction of units proposed from 15 to 11.
- Amendments to the parking layout.

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 Paignton Neighbourhood Plan (PNP)

Material Considerations

- National Planning Policy Framework (NPPF 2026)
- 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:

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.

Relevant Planning History

P/2020/0746/PA. Erection of single storey conservatory. Approved 01/03/2021

P/2015/0924 Erection of Single Storey Conservatory.

P/2011/0959 Formation of sun room at first floor level of the special care centre with extension of roof terrace decking and balustrade. Approved 27/10/11.

CN/2011/0063 Discharge of conditions to application P/2009/1036/PA. Approved 05/09/11.

P/2010/0266/PA. Alterations to the elevations and floor plans of the special care centre. Approved 27/04/2010.

P/2009/1036 Amendment to P/2006/1980/MPA comprising minor alterations to approved elevations and layout to provide 20 2bed apartments and 4 1 bed apartments in place of approved 22 2 bed apartments. Approved 07/12/09.

P/2008/0996/PA. Alterations to previous approval (ref app no P/2006/1980/MPA). Approved 31/07/2008.

P/2008/0158/PA. Alterations To Previous Approval (Ref App No P/2006/1980/MPA). Withdrawn.

P/2006/1980 Use As Class C2 Integrated Residential Care Home With 36 Care Apartments, 40 Bed Special Care Unit, 6 Cabin Visitor Centre, 10 Retirement Units, Staff Accommodation, Communal Facilities, Parking And Landscaping. Approved 20/09/07.

Summary of Representations

0 letters of support and 66 letters of objection have been received at the time of writing.

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

Issues raised:

- Not in-keeping with local area.
- Over development.
- View would be obstructed.
- Development will impact the condition of the highway (Middle Lincombe Road).
- Visual impact will impact the significance of Lincombe Manor.
- Could have a detrimental impact on surrounding residents.
- Impacts on already existing parking issues/pressures.
- Pollution from vehicles.
- Overshadowing.
- Could result in loss of trees.
- Emergency vehicle access issues.
- Noise and disturbance from construction.
- Light level of existing street.
- Sets precedent for future development.
- Access is not suitable.
- Inaccuracies in the transport statement.
- Impacts on retaining walls from delivery vehicles.
- Age of bat survey.
- Additional traffic from staff and visitors.
- Impacts on catering facilities and food transportation.
- Condition of access road (Middle Lincombe Road).
- Compliance with building regulations.
- Loss of amenity space.
- Lack of space for turning and manoeuvring.
- Loss of light.

Summary of Consultation Responses

Torquay Neighbourhood Forum

No response received.

Local Highways Authority

1.0 Description of Proposal

1.1 Full planning application for the proposed level roof extension of Lincombe Manor Elderly Care Centre to provide an additional 11 care rooms, at Middle Lincombe Road, Torquay, TQ1 2AF.

1.2 The existing vehicular and pedestrian access from Middle Lincombe Road is to be retained.

1.3 To support the application, the following documents relevant to the Highway authority have been submitted:

- Planning Statement – August 2021
- Design and Access statement – June 2025 (Revision P6)
- Travel plan – August 2021
- Transport Statement – 10 June 2025
- Proposed Site Plan – Ref: 4427-KEA-ZZ-ZZ-DR-A-12002-A3-5
- Existing Survey Drawings
- Existing Elevations
- Existing internal layouts
- Proposed Internal layouts
- Tree report

2.0 Site Description

2.1 The site is located approximately 1km to the east of Torquay town centre within the Lincombes conservation area.

2.2 The site is surrounded by existing residential apartments and specialised care accommodation. The site itself accommodates a mix of ensuite elderly care guest rooms, communal space and support facilities.

2.3 Vehicular access is from Middle Lincombe Road which leads to the private driveway of the Care Centre.

2.4 The nearest bus stop is located approximately 700 metres from the site and can be accessed via an existing footway of approximately 1.2 metres in width along the western side of Middle Lincombe Road. The nearest railway station is Torquay Railway Station, located approximately 3.5 kilometres from the site.

3.0 Site History

P2006/1980/MPA

3.1 Planning approval was received for the redevelopment of the site for use class C2 integrated residential care home with 36 care apartments, 40 bed special care

unit, 6 cabin visitor centre, 10 retirement units, staff accommodation, communal facilities, parking and landscaping.

P/2019/1159

3.2 The planning application was submitted in 2019 for an extension to the Elderly Care Building to provide 15 additional guest rooms and a bridge link to Hewitt lodge. The comments were provided on highways and transport matters by Torbay Council dated 18th January 2021, and the proposals have been revised. The current planning application now seeks permission for 11 additional guest houses and the bridge link to Hewitt lodge has been removed.

Pre Application

DE/2018/0029/ZP

3.3 A pre-application enquiry has been made regarding this application. No information on that process is included

4.0 Traffic Impact

Trip Generation

4.1 The applicant has not provided details on trip generation or highway impact, but due to the small scale of the development, the net trip generation is expected to be minimal, with negligible impact on the capacity of the local highway network. Therefore, no trip generation assessment is necessary.

Highway Safety

4.2 No review of the latest personal injury collisions (PIC) on the public highway is included with the application. However, the Highway Authority has reviewed PIC data for 2020-2024 which indicate no collision patterns in the vicinity of the site.

5.0 Design Considerations

Pedestrian and Cycle Access

5.1 Pedestrian access to the site is to remain as currently provided via an existing footway approximately 1.2 metres wide along the western side of Middle Lincombe Road up until the private drive of the Holiday Village. Within the retirement village, the road is shared use but low traffic and subject to an advised 10mph limit.

Public Transport Access

5.2 The Department for Transport's Inclusive Mobility guide (2021) recommends that bus stops in residential areas are located within a 400-metre walking distance.

5.3 The nearest bus stop is located approximately 500 metres from the site entrance and can be accessed via the approximately 1.2m wide footway along the western side of Middle Lincombe Road. However, there is currently a lack of supporting physical infrastructure at the bus stop location. The provision of Kassel kerbs and bus shelters should be considered to improve accessibility and passenger comfort and must be incorporated as part of the overall accessibility enhancements associated with the development.

5.4 The Highway Authority also request that dropped kerbs and tactile paving are provided on the desire line for the Ridgeway Road junction as this is required to support mobility impaired users to safely access the bus stop.

Vehicular Access

5.5 The existing access arrangement is retained with vehicular entry provided from Middle Lincombe Road to the main car park situated to the west of the Elderly Care Centre and Hewitt Lodge. The internal vehicular routes leading to the Elderly Care Centre are on a gradient. The site management operates a shuttle service using golf buggies from the Manor House to the Care Centre, if required. The Highway Authority are satisfied with the existing arrangement.

Car Parking

5.6 The proposal includes the provision of 2 additional car parking spaces to serve the 11 proposed guest rooms. This level of provision is considered to accord with the parking standards set out in Appendix F of the Torbay Local Plan, which specifies a requirement of one space per eight units for residential accommodation for the elderly and those in need of care.

5.7 The Highway Authority notes that the existing car parking provision comprises 6 spaces, including 1 disabled parking bay and visitors parking, and that the proposal would increase the total provision to 8 parking spaces. In accordance with Appendix F of the adopted Torbay Local Plan, 10% of the total parking allocation should be designated for disabled users. The proposed level of parking is therefore considered acceptable and in line with the adopted standards.

5.8 The location of the parking bays, as demonstrated in proposed Illustrative Site Plan (Dwg Ref: 4427-KEA-ZZ-ZZ-DR-A-12002-A3-5), shows the additional bays to be located adjacent to the hedge line north of the existing care home. The Highway Authority are satisfied with this arrangement.

5.9 In accordance with Appendix F of the Torbay Local Plan, provision should be made for mobility scooters, including dedicated electric charging points. Storage areas should be covered, secure, and conveniently located, forming an integral part of the overall design of the development. The Transport Statement explains that the residents who live in the new care guest rooms do not have sufficient mobility to enable the use of mobility scooters. This is noted by the Highway Authority; however provision should be provided for possible future requirements. It is noted that based on Local Plan requirements, only 1 additional space for mobility scooters should be provided. The applicant should seek to provide this on the site.

5.10 In addition, Appendix F of the Torbay Local Plan states that all new development should, where viable, include provision for electric vehicle charging points and their necessary infrastructure.

Cycle Parking

5.11 The Highway Authority notes that currently there is no existing cycle parking provision.

5.12 The Travel plan submitted by the applicant proposes 6 cycle parking spaces. However, the applicant has not submitted any illustrative plans/ annotated drawings showing the proposed cycle parking spaces.

The Local Highway Authority has reviewed the submitted application and accompanying information. The Highway Authority does not object to the proposals but would recommend that the cycle parking arrangement is agreed before commencement. This could be satisfied through a condition.

Adult Social Care

The comments below relate only to those aspects of the planning proposal for Lincombe Manor that directly relate to adult social care. We are not commenting on the merits or otherwise of the wider development proposals, including design, etc.

As part of Torbay Council's strategic approach to the commissioning of adult social care, our ASC Commissioning Blueprint

www.torbay.gov.uk/council/policies/asc-policies/asc-blueprint/ states our desire to reduce the systemic use of residential care to meet social care needs. This means not placing working-age adults into care homes wherever possible and pushing back the threshold at which older people may need to enter a care home.

We also do not wish to commission services that may lead to the 'importing' of adults with complex needs into the Torbay system, thereby placing additional pressure on already overstretched social care and primary healthcare services within the Bay.

Across the Council and our NHS partners, we will only commission and place in homes capable of meeting very complex and nursing needs, working with our care home sector to constantly improve quality and capability within Torbay.

From a strategic commissioning perspective, Lincombe Manor markets their services mainly for self-funders and the local authority/NHS purchase comparatively little provision from this setting. As noted above, although there is a strategic move away from growing the general residential care offer in Torbay as new models of care, such as extra care, are completed, there is some demand for residential care of the type offered by Lincombe Manor and this is still expected to be the case in the future. The current service is rated 'Good' by the Care Quality Commission (as at the latest report dated 3 March 2021) and the proposed extension may support the long-term viability of the service to provide care for its residents (now and in the future).

As a result, our support for this proposal would be subject to:

- the additional number of rooms that are created as part of the development be restricted to occupancy by residents arriving from previous addresses within Torbay wherever possible; and
- Planning colleagues seeking Section 106 contributions where appropriate.

Police

As mentioned in the previous submission by my colleague, there was no reference to physical security standards for the proposed development, and this is still the case.

Any new external doors providing access to the development, all ground floor window and any easily accessible ones, should be tested and certificated to a nationally recognised security standard such as PAS:24:2022+A1 2024.

All doors leading to private rooms should also meet PAS:24:2022+A1 2024.

The staff room should be lockable too, to prevent unauthorised access. If the room is to store controlled drugs and medicine within it then it is recommended that the door meets the standards and specification of PAS 24 2022 as a minimum. The container, safe or store for controlled drugs and medication should meet BS 2881 security standard.

Planning Policy

I have considered the application in light of, specifically, Policy H6 of the Torbay Local Plan (Housing for People in Need of Care) and the relationship of this policy to guidance contained in the Planning Contributions and Affordable Housing SPD and Healthy Torbay SPD which are relevant. In making my comments, I have liaised with colleagues who have active involvement in the strategic commissioning functions for adult social care for Torbay Council, working in partnership with the local health system, including the NHS.

The application proposes the creation of 15 additional care rooms at Lincombe Manor as part of works aimed at improving the function of the facilities at the site, which falls within a C2 use class.

From a strategic commissioning perspective, the facility markets their services mainly towards private funders and the local authority/NHS purchase comparatively little provision from outside of the service in Hewitt Lodge. Although there is a strategic move away from growing the general residential care offer in Torbay as new models of care are implemented, there is some market demand for residential care of the type offered by Lincombe Manor and this is expected to be the case over the longer-term. The current service provides good quality care for its residents (as evidenced by latest CQC reports of 2021) and it would seem that the works would further support care provision into the future, improving the overall level of care afforded to its residents.

The Torbay Local Plan, together with the Planning Contributions and Affordable Housing SPD recognises that there are specific external pressures created on the local adult social care and NHS system through the in-migration into Torbay of people into housing for people in need of care. Accordingly, Policy H6 indicates that the Council will seek financial contributions to meet the likely healthcare and social service costs arising from care facilities and sheltered accommodation, unless the applicant is able to show that this contribution would not be appropriate. There is no evidence provided alongside the application to indicate

the extent to which their residents arise from within Torbay as opposed to arriving from outside Torbay and therefore that such a contribution would not be appropriate. It is therefore recommended that either:

1. The additional number of rooms that are created as part of the development are restricted to occupancy by residents arriving from previous addresses within Torbay; or
2. A Section 106 contribution is provided in line with the currently adopted Planning Contributions and Affordable Housing SPD at £2,200 per room (in total a contribution of £24,200).

Provision of the above, would enable the development to be policy compliant with Policy H6 and our adopted SPD guidance.

Arboriculture

I have reviewed the above application, and I am happy with the arboricultural information submitted.

The development is sustainable from an arboricultural perspective, and the development will be carried out as per the guidance given in the Tree report AIA-LIN-19-(impact assessment).

Community Safety

Further to your recent consultation regarding the above application, I would confirm that that I have no objections.

Planning Officer Assessment

- 1. Principle of Development**
- 2. Visual and Heritage Impact**
- 3. Residential Amenity**
- 4. Highways**
- 5. Trees, Ecology and Landscape**
- 6. Flood Risk and Drainage**

1. The Principle of Development

The proposal relates to the expansion of an existing residential care facility, providing 11 additional rooms. The existing care facility falls within use class C2.

Policy H6 of the Local Plan seeks contribution towards healthcare needs arising from specialist accommodation.

The adopted development plan remains the statutory starting point for decision-making under section 38(6) of the Planning and Compulsory Purchase Act 2004. However, the Council cannot currently demonstrate a five-year housing land supply and the policies most important for determining the application must therefore be considered in the context of the presumption in favour of sustainable development in the August 2026 NPPF. The proposal should be assessed against the relevant national decision-making policies, including those relating to housing

delivery, effective use of land, heritage, design, transport, biodiversity and flood risk, together with the adopted development plan and other material considerations.

Policy SS13 (Five year housing land supply) sets out the Local Plan's declaration to maintain a rolling 5 year supply of specific deliverable sites sufficient to meet a housing trajectory of 8,900 dwellings over the Plan period 2012-30, including an allowance for windfall sites. Where the supply of specific deliverable sites (plus windfall allowance) falls below this figure, the policy cites that the Council will consider favourably applications for new housing, consistent with Policy H1 and other Policies of this Plan. The Council can currently only demonstrate less than 3 years housing supply. On this basis the need for housing and economic development must be given significant weight, as the Council is unable to demonstrate 5 years' supply of housing and Policies SS3, SS13 and H1 seek to consider favourably applications for new housing (consistent with other Plan policies) in order to maintain a five-year supply of sites.

When compared to the existing situation, the proposal would likely release 11 additional units of housing off-site through its provision of a specialist form of accommodation (in this instance for elderly people). Moderate weight is therefore given due to the minor increase in housing numbers on the site. When compared to the existing situation, the proposal would deliver 11 additional units of housing.

The provision of specialist forms of accommodation is supported by national decision-making policy HO9 in the new NPPF (2026) where there is a local need. This need has been established by the consultation response from the Council's Adult Social Care department.

Development plan policies are taken into account when assessing whether the benefits of approving the development are likely to be substantially outweighed by the adverse effects.

Moderate weight is given in the overall balance, due to the minor increase in housing numbers that the proposal is likely to release off site.

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.

There are no development plan policies indicating that the proposal is not acceptable in principle.

2. Visual and Heritage Impact

It is important to note that achieving good design remains a central thread within national planning policy. The August 2026 NPPF contains national decision-

making policy on achieving well-designed places, requiring development to create high-quality, beautiful and sustainable places and to respond positively to local character, local design expectations and relevant design guidance. Development that is not well designed should be refused where it fails to reflect local design policies and relevant national design guidance.

Similar design expectations are engrained within the Development Plan through Policy DE1 of the Local Plan and Policy TH8 of the Neighbourhood Plan.

Policy DE1 Design of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the TNP states that development must be of good quality design, respect the local character and reflect the identity of its surroundings.

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.

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 SS10 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 TNP support alterations to listed buildings where they safeguard and enhance their historic qualities and elements according to their significance.

The site is located within the Lincombes Conservation Area and within the setting of Lincombe Manor, a grade II listed building. Both the Lincombes Conservation Area and Lincombe Manor are designated heritage assets.

Whilst there is no published appraisal for the Lincombes Conservation Area, as a listed building within the Conservation Area, any impacts on the setting or significance of the listed building are likely to translate to impacts on the quality of the Conservation Area.

When the site was previously developed to create the care facility, the site was been set out with distinct separation between the built forms to limit the impacts on the listed building, Lincombe Manor, contained at the heart of the site, whilst also working with the site's topographical challenges, with the ground rising to the North and the coastal slopes to the South.

The aim of this proposal is to increase the residential capacity within the care centre building, providing 11 additional units. Largely, the quantum of development would be limited to within the existing footprint of the building, with minor alterations to the site layout to provide the required level of parking spaces.

Since its first submission, the proposal has been heavily revised, removing elements that were considered to be unacceptable and ultimately reducing the number of additional rooms from 15 to 11. Importantly this also included the removal of a proposed bridge structure.

The proposed extension of the building would be principally located above the existing building. The exception to this would be the incursions in the small alcoves in the centre and eastern end of the building. These spaces would be infilled to make space for additional bedrooms and a salon. The use of these areas prevents further development of the roofscape, limiting the height and extent of the additional mass.

The vertical of the building extension would in-part infill an area of the building currently used as outdoor amenity space on top of a lower-level element of the existing building, maintaining the original intended separation between the various buildings on the site.

The proposed design would reflect that of the existing building in terms of its rectilinear form, style, details and finishes. It would not entirely infill the vacant space and would retain part the external roof terrace area.

Whilst the proposal would lead to further development within the confines of the site and the Lincombes Conservation Area, due to the careful siting, scale and design of the proposal, the proposal is considered to be a modest and proportionate extension of the existing building, that aligns with the original design intent, with staggered massing and materials which prevent an overly blocky appearance.

With regards to the impacts on the setting of the adjacent grade II listed Lincombe Manor, it is clear that the setting of the Manor has been significantly impacted by development in the past, namely in the construction of the surrounding buildings including, Lincombe Manor care centre, Thatcher View and Orchard Place. The extent of its original grounds also included the locations of Fircroft, Pinegrove, Manor Garden Cottage and Pinebanks Cottage. Lincombe Manor, in spite of this series of development, retain in-part its landscape character and prominent position at the heart of the site.

Overall, the minor extension of the existing building is considered to have a neutral impact on both the setting of Lincombe Manor and the Lincombes Conservation Area. The proposal would therefore retain the landscape character of the site and not encroach on the setting of Lincombe Manor, any more than is currently the case.

The proposal is therefore considered to preserve the historic character and appearance of the Grade II listed building, its setting and the setting of the

Lincombes Conservation Area. As such, the proposal is considered to be acceptable with regards to Policies SS10 and HE1 of the Local Plan, Policy TH10 of the TNP and the relevant national decision-making policies contained within the NPPF.

3. Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. Policy THW4 of the TNP provides outdoor space provision minimum standards for new dwellings.

The proposal would not introduce any instances of loss of privacy or overlooking as a result of the development, particularly considering the existing situation on site and the established intervisibility which comes as a result of the siting of the existing buildings and the local topography.

The internal spaces of each of the rooms are relatively consistent with those already provided within the care facility. When considering the level of care provided, and that convivial spaces for dining and leisure would be provided within the wider function and operation of the care facility, the proposed internal dimensions of the additional rooms are considered to afford an acceptable level of residential amenity.

All the proposed bedrooms would have an acceptable amount of outlook. Externally, the associated grounds provide sufficient outdoor amenity space, in addition to the opportunity to explore the wider grounds. The proposal would retain amenity space to support the facility at roof level, with a reduced roof terrace area.

With regards to the proposal's impacts on the amenity afforded to neighbouring occupiers, a large number of objections have raised concerns with the impacts of the development during the construction period in addition to additional deliveries, servicing and vehicular traffic into the site. Whilst these concerns are valid, the construction phase of the proposal would be limited and thus the impacts would be considered temporary. Any impacts arising from such developments on this nature in tight or restricted locations that may impact local residents during the construction phase are in most cases managed through the imposition of conditions relating to the imposition of a construction management plan/construction method statement. Such conditions are recommended in this case.

Concerns were raised by local ward councillors with regards to potential impact of the proposal on the outlook afforded to residents of Hewitt Lodge, the building sited to the North of the main care centre building. Whilst the partial vertical extension of the building would increase the building's localised height where it would be extended, the extension would have limited effect on the neighbouring Hewitt Lodge due to the function of the rooms that might be impacted by the proposal. The south-eastern section of the ground floor of Hewitt Lodge is used for convivial space. Whilst the first floor does contain a single bedroom facing the elderly care building, the elevated position and comparable scale of the buildings prevent an overbearing impact on the neighbouring building.

The consultation response from Community Safety (Environmental Health) has raised no objection to the proposal and also not raised any concerns with the impacts of the proposal on local residents.

However, notwithstanding the above, due to the close proximity and layout of the site, conditions are recommended to secure a construction management plan to ensure that the impacts of the construction phase of the development are carefully managed to prevent conflicts between neighbouring users.

Subject to the conditions being met, the proposal is considered to be acceptable with regards to Policy DE3 of the Local Plan, Policy THW4 of the Torquay Neighbourhood Plan, and the relevant national decision-making policies contained within the NPPF.

4. Highways

The August 2026 NPPF contains national decision-making policy on promoting sustainable transport. In assessing development proposals, regard should be had to whether sustainable transport modes have been prioritised, whether safe and suitable access can be achieved for all users, whether parking and transport design reflects current national guidance, and whether any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree. Development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network, following mitigation, would be severe.

Policies TA2 and TA3 of the Local Plan establish criteria for the assessment of development proposals in relation to access arrangements and vehicle parking. Policy TH9 of the Torquay Neighbourhood Plan states that all new housing development must meet the guideline parking requirements contained within the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future. Policy THW5 of the TNP supports new development proposals where they are located on or near to public transport routes wherever possible and appropriate.

A large number of concerns have been raised within the objections received with regards to the level of parking provision and the impacts the proposal would have on the existing situation on site.

The local highway authority have provided a detailed response to the proposal. This can be summarised as follows:

- Satisfied with the existing access arrangement.
- Requests for formalising the bust stop with a shelter Kessel kerbs, dropped kerbs and tactile paving.
- Satisfied with the level of parking provision and is in line with adopted standards.

- Request indication on the submitted plans of cycle parking spaces. Type and detail of the stands.
- Raise no concerns and are satisfied with the existing and proposed refuse, servicing and emergency access arrangements
- Recommended a construction traffic management plan prior to construction.

In line with the recommendations of the Local Highways Authority, conditions are recommended in line with the advice of the local highway authority. However, the requests relating to the bust shelter, kessel kerbs dropped kerbs and tactile paving are not considered to be proportionate to the proposal both in terms of the scale and proximity of the proposal, relating to only an additional 11 rooms some 500m away from the bus stop.

Subject the conditions being met, the proposal is considered to be acceptable with regard to Policies DE3, TA2 and TA3 of the Local Plan and Policies TH9 and THW5 of the Torquay Neighbourhood Plan and the relevant national decision-making policies contained within the NPPF.

5. Tree, Ecology and Landscape

The August 2026 NPPF contains national decision-making policy on conserving and enhancing the natural environment, including the need for planning decisions to minimise impacts on biodiversity, provide net gains for biodiversity where required, and protect ecological networks and protected sites.

Policy C4 of the Local Plan states that development will not be permitted where it would seriously harm, either directly or indirectly protected or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy NC1 of the Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance.

The site sits within a designated Area Tree preservation Order (ref: 1967.002)

The proposal has been confirmed as being sustainable from an arboricultural perspective by the Council's Senior Tree and Landscape Officer. Conditions are recommended to ensure the proposal is carried out in accordance with the guidance given in the submitted tree report.

The application is accompanied by a protected species assessment report, which identifies through emergence and re-entry surveys the absence of bats from the features within the site that might be able to support them. It also includes an assessment of the habitat within areas of the site likely to be affected by the works for any legally protected species, including nesting birds.

Whilst comments have been raised by objectors relating to the ecological impacts of the proposal, the proposal relates to the adaption and vertical extension of an existing modern flat roof building with limited capacity to impact wildlife besides

those features indicated in the submitted protected species assessment. The proposal also no longer relates to the formation of a bridge to connect the main care centre building within Hewitt Lodge, preventing any disturbance or impacts to the features of Hewitt Lodge with moderate potential.

The submitted report provides recommendations, mitigation and enhancements which are recommended to be secured by condition.

Whilst the site is located within 250m of the Meadfoot Sea Road SSSI, the nature of the proposal being contained within the existing footprint of the building and sited on its roof, is unlikely to have a substantive impact this geological site.

Subject to the conditions being met, the proposal is considered acceptable having regard to Policies NC1 and C4 of the Local Plan and the relevant national decision-making policies contained within the NPPF.

6. Flood Risk and Drainage

The August 2026 NPPF contains national decision-making policy on managing flood risk and coastal change, including the need to steer development away from areas at highest risk, ensure development is safe for its lifetime, avoid increasing flood risk elsewhere and incorporate sustainable drainage in accordance with national standards where required.

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 proposal is located within the existing footprint of the building and would not result in the creation of any impermeable surfaces and so would not require conditions on drainage grounds.

As such, the proposal is considered acceptable with regards to Policies ER1 and ER2 of the Local Plan.

Subject to the conditions being met, the proposal is considered acceptable with regards to Policies ER1 and ER2 of the Local Plan.

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

The Torbay Local Plan, together with the Planning Contributions and Affordable Housing SPD recognises that there are specific external pressures created on the local adult social care and NHS system through the in-migration into Torbay of people into housing for people in need of care. Accordingly, Policy H6 indicates that the Council will seek financial contributions to meet the likely healthcare and social service costs arising from care facilities and sheltered accommodation, unless the applicant is able to show that this contribution would not be appropriate. There is no evidence provided alongside the application to indicate the extent to which the residents arise from within Torbay as opposed to arriving from outside Torbay and therefore that such a contribution would not be appropriate. It is therefore recommended that either:

- 1. The additional number of rooms that are created as part of the development are restricted to occupancy by residents arriving from previous addresses within Torbay; or
- 2. A Section 106 contribution is provided in line with the currently adopted Planning Contributions and Affordable Housing SPD at £2,200 per room (in total a contribution of £24,200 based on 11 additional rooms).

CIL

The site is located within CIL charging zone 2. The CIL liability for this development is charged at 0 per sq m.

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 application was submitted prior to the introduction of BNG and is therefore exempt from this requirement.

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.

New NPPF (2026) Policy S3 sets out the presumption in favour of sustainable development (previously set out in paragraph 11 of the 2024 NPPF).

Policy S4 of the NPPF (2026) poses similar balanced judgment as previously set out in the paragraph 11 of the previous NPPF and its accompanying footnote 7.

The Framework states the planning system should be genuinely plan-led. The Framework's presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making but recognises the application of the presumption has implications for the way communities engage in neighbourhood planning.

Consequently, policy S6 of the Framework advises that:

‘For development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the following apply:

- a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) The neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2).

The proposal would make effective use of land, utilising airspace above existing residential and commercial premises, or through sensitive redevelopment or additional development within existing plots (including proposals to fill gaps in the existing roof line) in line with National Development Management Policy L2.

The assessment in the above sections identifies the relevant planning impacts of the proposal. Applying the presumption in favour of sustainable development under the August 2026 NPPF, it is necessary to consider whether national decision-making policies protecting areas or assets of particular importance provide a clear reason for refusal, and whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. For the reasons set out in this report, no harm has been identified to designated or non-designated heritage assets.

In applying the planning balance, the benefits of the proposal and its compliance with the Development Plan and the NPPF 2026 weigh strongly in favour of the proposal and outweigh the concerns raised by objectors for the reasons given in the report.

Conclusions and Reasons for Decision

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

In line with the above conclusions and the assessment within this report, the proposals are considered to be in accordance with the Development Plan when read as a whole and to demonstrate that an acceptable scheme can be accommodated on the site. The August 2026 NPPF continues to support approval of development proposals that accord with an up-to-date development plan, unless material considerations indicate otherwise.

Due to the level of accordance with the Development Plan and in the absence of material considerations that weigh sufficiently against the proposal, the Officer recommendation is one of approval, subject to suitable planning conditions and the required contributions.

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

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

Officer Recommendation

Approval: subject to;

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

Planning Conditions

1. Materials
Unless otherwise specified in the approved details the development hereby approved shall be finished with external materials to match those of the existing building and shall be retained as such thereafter.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030

2. Cycle storage

Prior to the first occupation of the development hereby permitted details of the proposed bicycle storage facility for a minimum of 6 cycles shall be submitted and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to first occupation and maintained and retained as such for the lifetime of the development.

Reason: In the interests of reduction of carbon fuel usage and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030

3. Construction Management plan/Method Statement

Prior to the commencement of development including site preparation and vegetation clearance works, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include, but not be limited to:

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

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

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

These details are required pre-commencement as specified to ensure that neighbouring amenity is not harmed by building operations or site preparation.

4. Construction Traffic Management Plan

Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. 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) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working hours.

The development shall take place in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies DE3, TA1, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

5. Mobility scooter provision

Prior to the first occupation of the development hereby permitted, a scheme for the installation of a storage facility for a minimum of 1 mobility scooter shall be submitted and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to first occupation and maintained and retained as such for the lifetime of the development.

Reason: In the interests of carbon reduction and in accordance with Policies DE3, TA2 and TA3 and Appendix F of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

6. Electric Vehicle Charging

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

Reason: In the interests of carbon reduction and in accordance with Policies DE3, TA2 and TA3 and Appendix F of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

7. Trees

The development hereby approved shall be carried out in strict accordance with approved Tree report and Arboricultural Impact Assessment reference AIA-LIN-19-(impact assessment) received: 31.10.2019.

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

8. Ecology recommendations inc. Enhancements

The development hereby approved shall be carried out in accordance with the mitigation measures, recommendations and biodiversity net gain measures set out in the approved ecology report 190625-P941, received 31.10.2019.

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

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. All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

Relevant Policies

SS3 - Presumption in favour of sustainable development

SS8 - Natural Environment

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

ER1 - Flood Risk

ER2 - Water Management

HE1 – Listed Buildings

NC1 - Biodiversity and geodiversity

TS1 – Sustainable Development

TE5 – Protected Species Habitats and Biodiversity

TH2 – Designing Out Crime

TH8 – Established Architecture

TH9 – Parking Facilities

THW5 – Access to sustainable transport

THW6 – Cycle storage and changing facilities

TS4 - Support for Brownfield and Greenfield development