

TORBAY COUNCIL

Application Site Address	Brunel Manor, Teignmouth Road, Torquay TQ1 4SF
Proposal	Redevelopment and conversion of land at Brunel Manor including the conversion of Brunel Manor to provide 17 dwellings, the retention of Brunel Court and Brunel Lodge to provide 9 dwellings and the construction of 9 new dwellings, with associated parking, access and landscaping (Please see accompanying P/2023/0616).
Application Number	P/2023/0606
Applicant	ATA Estates (Brunel Manor) LLP
Agent	Oneleven Property
Date Application Valid	10.07.2023
Decision Due date	09.10.2023
Extension of Time Date	28.06.2024
Recommendation	Approval subject to: <ol style="list-style-type: none"> 1. Completion of a Section 106 agreement. 2. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency. 3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Major planning application
Planning Case Officer	Jim Blackwell

Location Plan



Site Details

The site lies to the north east of Torquay in Watcombe. It is currently occupied by a large Victorian former Manor House known as Brunel Manor, various other residential buildings and groups of buildings all set within landscaped grounds.

The Manor and its gardens were originally intended to be the retirement home of Isambard Kingdom Brunel, but he never saw the house or gardens finished due to his death in 1859. The site was sold to new owners who constructed Brunel Manor on Brunel's foundations. Over the following 90 years Brunel Manor was sold to a number of different owners before it was purchased by the applicant on the open market in 2021.

The site was used between 1963 and 2021 by The Woodlands House of Prayer Trust as a Conference and Christian Meeting Centre. A number of buildings to the east of Brunel Manor continue to be used as residential dwellings. There are a range of modern additions to the site including a number of extensions to Brunel Manor, a tennis court located on an upper level to the north, and an enclosed swimming pool to the south.

The site is set within well-established grounds with extensive tree cover which are listed on Historic England's Register of Parks and Gardens. The site itself includes three Grade II Listed structures (Brunel Manor, 2 flights of steps with balustrades to

the south and balustrades to the south terrace). The site is also within the Watcombe Park Conservation Area where several other listed buildings can be found.

Vehicular, pedestrian and cycle access to the site is from Teignmouth Road opposite Ashley Priors Lane. There is also a footpath linking with Seymour Drive to the north of the site. There are existing residential dwellings directly to the north on Seymour Drive and west at Kingsgate Close. The eastern boundary of the site comprises Teignmouth Road with residential flat development beyond. The site is approximately 2km from Barton and Watcombe where there are various shops, schools and recreation areas. There is a bus stop at the entrance to the site and a southbound bus stop approximately 100m to the north of the site access.

The site is subject to the following designations:

- Grade II listed buildings.
- Historic Park and Garden.
- Three group and individual Tree Preservation Orders.
- Watcombe Park Conservation Area.
- Local Green Space as designated in Torquay Neighbourhood Plan.
- Urban Landscape Protection Area.
- Located within Flood Zone 1.
- CIL Zone 3.
- John Musgrave Heritage Trail runs along the boundary of the development.

Description of Development

Redevelopment and conversion of land at Brunel Manor including the conversion of Brunel Manor to provide 17 dwellings, the retention of Brunel Court and Brunel Lodge to provide 9 dwellings and the construction of 9 new dwellings, with associated parking, access and landscaping.

The development would include the demolition and removal of unsympathetic extensions and additions from the listed building, Brunel Manor. It would also include the following mix of dwellings:

Site/building	Type	Total
Conversion of Brunel Manor	2 bed house	1
	3 bed house	2
	2 bed apartment	13
	3 bed apartment	1
Total in listed building		17
Conversion of Brunel Court	1 bed house	2
	2 bed house	3
	3 bed house	2
Conversion of Brunel Lodge	3 bed house	1
	4 bed house	1

New build	4 bed house	9
Total conversions and new build		18
Total		35 units

In addition:

- Vehicle access to the proposed dwellings will continue to be provided from the existing access from the Teignmouth Road.
- A total of 68 car parking spaces are provided across the site which includes 22 visitor spaces.
- 44 cycle spaces.
- Landscape renovation.
- Removal of the single storey swimming pool building to the south of the Manor.

A range of new information has been provided:

- Surface water drainage and attenuation tank details.
- Swept path analysis.
- Movement Strategy.
- Waste Management Strategy.
- BNG information.
- Arboricultural Development Assessment.
- Transport Assessment technical note.
- Layby arrangement drawing.
- Vacant Building Credit position statement.

Pre-Application Enquiry and Engagement

DE/2021/0136 - 8 February 2022

The principle of the proposed residential development was considered to be acceptable subject to a wide range of considerations.

The planning application is accompanied by a Statement of Community Involvement (SCI) which sets out the sequence of consultation and engagement undertaken since the applicant acquired the site in 2021. The key elements can be summarised as follows:

- Pre-application enquiry and engagement with Torbay Council – November 2021 to April 2023.
- Pre-application enquiry to Historic England - July 2022.
- Design Review – September 2022.
- Public Consultation and liaison with key stakeholders – March to April 2023.

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 Torquay Neighbourhood Plan ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Heritage Issues.
- Planning Contributions and Affordable Housing SPD
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

- P/1980/0071 – Swimming Pool (25/02/1982) Approved.
- P/1994/0986 – Alteration and Change of Use to Conference/Retreat Centre (18/11/1994) Approved.
- P/1996/0913 - Extension to Existing Dining Room and Formation of Roof Light to Staff Laundry (24/10/1996) Approved.
- P/2004/1920 – Extension to Form Double Garage, Utility & WC (24/01/2005) Approved.

Summary of Representations

Five comments were received; three objection, two supporting.

Objections can be summarised as:

- Extra traffic exiting the site and risk of collisions.
- Potential lack of parking.
- Amenity issues relating to traffic and noise.
- Loss of trees.
- Potential impact on bats and birds.
- Need for affordable housing.
- Disruption during construction works on utilities.
- Ensure fire safety.
- Future maintenance of the grounds in doubt without management.
- Architectural treatment.

Supporting comments include:

- Formalisation of the bus stop outside the site would be beneficial.
- Improvement to the managed landscape and trees.
- Provides jobs.
- Removes an eyesore.
- Provides houses.

- The scheme will safeguard the fabric of the historic manor and remove detrimental additions. Without a viable scheme the manor will fall into further disrepair, and we risk losing another historical asset in Torbay.
- We feel the proposals for the manor are sympathetic as are the proposed works to the Lodge and Court. The new build properties are sympathetic to the setting of the site and adjacent historic structures.

Summary of Consultation Responses

Wales and West:

No objection.

Natural England:

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Torquay Neighbourhood Plan Forum:

Overall support. Registers three concerns:

- H2 Affordable Housing. Lack of affordable housing
- TA2 Development access. Current access arrangements from Teignmouth Road.
- TTR2 Sustainable Communities. Not close to places of work, education, recreation and shopping.

The Gardens Trust:

No response received.

Arboriculture:

05.09.2023

No objection subject to conditions and further information. Some concerns over:

1. The formation of a vehicle access leading to 3 x parking spaces associated with Water Row. This will potentially bring vehicles within a woodland environment on a load spreading or suspended roadway. There are risks to retained trees which are highlighted as high and technical detail on this will be required to justify an intrusion into the woodland for the benefit of three parking spaces.
2. The proposed removal of G8 (Holm Oak). I have concerns that the proposed tree removal in this area of the site will lead to a sudden and significant change in setting and loss of a maturity provided by this group of trees. Further discussion with the applicant and their advisor on this would be welcomed.
3. Parking Spaces x 5 and cycle / bin stores located in root protection areas of T18 & T19. This would need to be justified within the layout as this is a further intrusion within a woodland setting. My preference would be to locate these structures outside the RPA's as opposed to designing them into the space.

17.11.2023

I have discussed the development proposal for vehicle access (x 3) to Water Row and my understanding is that my colleague Daniel Vickridge, Green Infrastructure Manager had indicated potential support only for a limited pedestrian access through this part of the site. These were informal pre-application discussions with the arboricultural consultant.

BS5837 recommends in Section 5.3.1 that the default position is that structures should be located outside RPA's unless an overriding justification for construction is required. No evidence in terms of design need has been provided and there is no arboricultural justification for this aspect of the project.

I note that JKTC have not provided an AIA for the proposed roadway and this section is left unassessed. The parking spaces x 10 are a moderate risk and the 3 x parking spaces a high risk.

In the absence of any technical design details to show how harm to protected trees can be avoided, I am unable to offer any support for this element of the project and would encourage the design team to completely omit the vehicle access and parking provision from this part of the project.

Options for retaining the temporary construction access should be explored in greater detail as a permanent means of access. Integral garages and under-croft parking (beneath Water Row of the garden areas) merits further consideration as an alternative if engineering solutions are available and historic environment conflicts are not prohibitive.

The use of pre-commencement planning conditions might be appropriate for elements of the project, but in the case of the level of intrusion within the woodland I am of the professional view that this is not suitable. If the impacts to protected trees are too significant and we are unable to progress this element of the project at the discharge of conditions stage due to the levels of harm arising, this will result in part of the scheme potentially being undeliverable. This would be an issue for the design team to overcome.

On this basis, and in the absence of any evidence to justify the vehicle access / parking, I will object to this element of the project.

G8 – Holm Oaks

JKTC has provided an update on the condition of one tree within the group, evidencing a partial, structural failure. The remainder of the group has landscape value and the pruning tolerance of the species indicates that retention and management is a viable way forward.

The arboricultural consultant has not provided an evidence base for the removal of G8 and has advised against management and retention. As these are protected trees

within a historic landscape setting, I am conscious that there needs to be adequate justification for the removal of the trees, and I am not satisfied that this case exists and it certainly hasn't been presented to me in a compelling manner.

No principles of mitigation have been set out and this cumulative loss of trees is a cause for significant concern.

Bin stores / Cycle stores

The proposed building of structures in the RPA's of protected trees has not been justified – see comments above concerning BS5837 and RPA's / mature trees.

The tolerance to disturbance by protected trees in this part of the site is speculative and irrelevant as the principle of avoiding harm is what is required. Root protection areas are not simply an area in which development can take place and the design needs to work with the tree constraints rather than simply taking a project requirement led approach.

The cumulative impacts from placing parking and structures in two aspects of the RPA's of trees is a high risk. This may lead to future pressure to fell or prune trees (organic debris is a commonly cited source of conflict with parked cars and trees). Premature tree decline should root damage occur or soil conditions become adversely impacted is also a significant risk and mature trees are not always tolerant of disturbance or able to adapt to new conditions.

This element of the design requires revision to omit structures and parking from within RPA's.

Summary

Whilst in general I have no arboricultural objections to the development. I have accepted most of the recommendations / tree losses. However, the cumulative impacts to protected trees and the historic landscape setting from inappropriate design elements are a cause for concern in these specific areas of the site.

I cannot offer any support for these aspects of the layout. I also do not support the removal of G8.

If the planning decision supports the granting of planning permission for the current layout and accepts these risks, there may be a future conflict at the discharge of conditions stage if the harm to trees from any engineering solution or technical design is too great.

17.04.2024

Further to my conversation with Jon Kiely (JK) and recent discussions with Dan Vickridge, I have updated comments to make on the application.

I have no objection in principle to the development.

I continue to have professional reservations relating to the proposal to form an access to the 3 x parking spaces (Water Row). This is mainly due to the risks to existing and

retained trees and introduction of structures within the natural setting of this part of the site.

However, I do accept that technical solutions might be available to deliver a suspended roadway or porous load spreading surface to minimise or avoid ground intrusion, enabling the access and parking spaces to be formed. To that effect, if on planning balance you are broadly accepting of this design element, it will be necessary for a pre-commencement planning condition to be applied to any planning permission this element of the development. Suggested wording provided in italics below:

“Prior to the commencement of the development and subject to the approval of the LPA, a technical design and arboricultural method statement shall be prepared and submitted for a suspended roadway or (subject to soil analysis and structural engineering details) a load spreading, porous surfacing treatment e.g. cellular confinement system, for the new vehicle access (private light goods) and parking areas associated with Water Row. The approved design and arboricultural method statement shall be implemented on completion of the construction of Water Row for residential (non-construction) use only.

The car parking spaces and bin stores are also an area of continued concern and potential future pressure on any retained trees. Once again, if this design element is broadly acceptable in planning terms, pre-commencement planning conditions will be required to secure the technical design in conjunction with an arboricultural method statement. A variation on the suggested wording provided above should be sufficient.

I feel it would be remiss of me not to flag up the potential issue that the technical design might fail to satisfactorily address the concerns of my team upon submission, and therefore fail to be supported on a DoC application. To that effect, we would seek to continue engaging with the design team and arboricultural consultant to ensure that any submission is positively received any amendments etc are ironed out prior to submission. A collaborative approach will definitely result in better outcomes.

With regards to tree group G8, this again requires some further discussion between myself and JK as this is an impact to a mature tree group which adds landscape value and character to the property. This can be finalised with the submission of a Tree Protection Plan and tree work specification secured by a planning condition. This is a relatively minor issue to work through and I am confident we can agree a way forward.

My previous comments have highlighted (Points 1 – 7) where pre-commencement and more standard conditions will be required. Carefully worded pre-commencement planning conditions are essential to secure detailed design and method statement documents to satisfy my concerns over the impacts of the development, if the development is likely to be approved. I would be happy to review the wording of any such conditions prior to the application being determined and advise on any technical arboricultural content as might be required.

Highways:

20.09.2023

The Highway Authority supports the principle of the re-development proposals, however the following information will need to be provided prior to a recommendation being made:

- Prepare a design demonstrating how improved A379 Teignmouth Road bus stop provisions can be delivered, including footway and crossing provision;
- The Highway Authority would seek to ensure that the walking / cycling connection from the site to Seymour Drive is secured and maintained for the lifetime of the development;
- Confirm of the accommodation schedule for the proposed re-development;
- Amend the site layout plan to include provision for an additional 12 cycle parking spaces;
- Outline and demonstrate a suitable waste management strategy; and
- Provide swept path analysis of a large estate car to demonstrate that the layout of car parking spaces is feasible.

20.12.2023

The following items remain outstanding. These require resolution prior to the Local Highway Authority being able to make a positive recommendation:

- The Highway Authority would seek to ensure that the walking / cycling connection from the site to Seymour Drive is secured and maintained for the lifetime of the development;
- Provide further information / justification regarding proposals for public access to the site for pedestrians;
- Consideration of improved access to southbound bus stop on A379 Teignmouth Road;
- Amend the site layout plan to include provision for an additional 12 cycle parking spaces;
- Outline and demonstrate a suitable waste management strategy; and
- Provide swept path analysis of a large estate car to demonstrate that the layout of car parking spaces is feasible

19.04.2024

The Applicant has now resolved matters relating to connectivity with Seymour Drive, the bus stop improvements and cycle parking. The following matters however remain outstanding:

- Provide further information / justification regarding proposals for public access to the site for pedestrians;
- Confirmation that the previously proposed improvements to the bus shelter and associated footways continue to form part of the proposed development, alongside the retention of the existing fully on-carriageway bus stop;
- Outline and demonstrate a suitable waste management strategy; and
- Provide swept path analysis of a large estate car to demonstrate that the layout of car parking spaces is feasible.

Once these matters have been resolved the Local Highway Authority will be able to raise no objection.

23.04.2024

The Highway Authority have reviewed this drawing and have found the removal of the tree resolves the concern we had previously raised with the parking layout and the newly provided swept path analysis is satisfactory.

Concerns have previously been raised regarding waste management on the site, however, the Highway Authority note that Swisco Waste have provided their own consultation response to this planning application and thus this matter to has been deferred to them.

An outstanding matter the Highway Authority have previously raised is in regard to public access to the site and gardens for pedestrians. No further information has been provided on this issue and should be clarified.

Additionally, for completeness please can the applicant set out that that following the investigation of alternative bus stop layouts, it was deemed safest for the existing fully on-carriageway bus stop to be retained.

13.06.2024

Since this previous consultation, the applicant provided an updated plan (Drawing no. 2106-015_SP03- B) which demonstrated the ability of a large estate car to use the car parking spaces. This item was therefore resolved in email correspondence dated 23/04/2024.

2.0 Public Access to the Site

2.1 The Movement Strategy which has been provided by the Applicant contains confirmation that the existing east-west public access through the site will be retained. This means that the public will still be able to travel through the site between A379 Teignmouth Road to the east and Seymour Drive in the west. Public access will still be retained between Seymour Drive and the existing footpaths in Brunel Woods to the south of the site. This item is now resolved.

2.2 A suitably worded conditions should be attached to any planning consent for this site to ensure that this access remains available for the life of the development, and that gates or other barriers to access are not introduced to prohibit public access. A suitably worded condition should also be considered to make the publicly accessible paths dedicated Public Rights of Way (PRoW) to ensure their continued availability.

3.0 Bus Stop

3.1 The Movement Strategy provided by the Applicant states that a bus layby within the site ownership is to be added. However, the applicant has yet to fully clarify the proposals relating to the bus stop at the site entrance. This item remains outstanding.

It is the preference of the Highway Authority that the retention of the existing fully on-carriageway bus stop remain.

4.0 Waste Management Strategy

4.1 The previous response provided by the Highway Authority requested that the applicant outline and demonstrate a suitable Waste Management Strategy.

4.2 In principle, the strategy proposed by the Applicant is satisfactory. The proposed strategy is for residents to transport waste to the bin store, with the private management company who manage the development site to transfer the waste bins on collection days from the resident's bin stores to secondary bin stores on the site which are accessible within 25m of the refuse vehicle.

4.3 The Waste Management Strategy provided by the Applicant does provide swept path analysis of a refuse vehicle, however it is not clear from the plan provided (Drawing No. BMN-APG-XX-ZZ-DR-A 0010 A) the dimensions of the refuse vehicle which has been used for this swept path analysis.

5.0 Conclusion

5.1 In conclusion, should planning consent be granted for this proposed development, suitably worded conditions should be attached to any planning consent for this site to ensure that this access remains available for the life of the development, and that gates or other barriers to access are not introduced to prohibit public access. A suitably worded condition should also be considered to make the publicly accessible paths dedicated Public Rights of Way (PRoW) to ensure their continued availability.

Recommended Condition:

Public access through the site must be retained, maintained and remain open, specifically for routes shown on 'Movement Strategy Drawing No 0009 Rev P2':

- East-west through the site, between A379 Teignmouth Road to the east and Seymour Drive in the west
- Between Seymour Drive and the existing footpaths in Brunel Woods to the south of the site. No gates or barriers shall be introduced at any point that prohibit public access.

Reason: To ensure existing places of recreation and leisure remain open and encourage sustainable transport, as per NPPF (Dec 2023) para 116a.

Devon County Council Ecology:

10.01.2024

No objection subject to condition.

The BNG metric has been completed correctly and it appears that a 100% net gain can be achieved within red/blue line boundary.

I note that the landscape proposals are only 'indicative' and it is only clear the location of the proposed trees – it is unclear where the woodland and grassland enhancement onsite is occurring. It is also unclear whether these enhanced areas of habitat will be

subject to recreational issues or public access, which may make habitat enhancement difficult.

I appreciate this this all is ahead of BNG becoming a statutory requirement, so we can discuss this being provided as a pre-commencement condition rather than requiring this information prior to determination. I suppose it is up to you as to how you want to deal with these outstanding issues – fundamentally, I believe that a net gain in biodiversity will be achieved through the measures supplied in the metric and EclA.

NHS Primary Care:

The proposed development is for 35 dwellings and this will create an estimated of population of 76 new residents within the development based an average household size of 2.17.

The closest GP surgeries to the proposed development are:

- Brunel Medical Practice - St Marychurch Surgery
- Chilcote Practice - Chilcote Surgery
- Brunel Medical Practice - Babbacombe Surgery

It is envisaged that the vast majority of the residents of the proposed development will register as patients with these practices. The current combined medical centres providing primary care are up to their capacity and will not be able to absorb the increased patients arising from the proposed development. The only way to mitigate the impact is to increase the physical capacity of the existing surgeries.

Total contribution required = £21,734

Waste:

29.08.2023

In terms of recycling and waste collection from this development I have some concerns and I would like to object to this development.

Section 12 of the Access Design Statement shows four recycling and waste storage areas and indicates that collection vehicles will need to drive on to the development to collect from the storage areas. SWISCo will not drive on to unadopted highway to collect recycling and waste unless the highway is built to adoptable standards and a formal indemnity is in place. Without this, all recycling and waste would need to be brought to the adopted highway for collection. A suitable place to leave the containers with an area adequate for the collection vehicles to safely stop and empty the containers would be required.

Although not stated specifically the recycling and waste arrangements appear to be a communal arrangement, with four bin stores to serve all properties. There is no information about how many properties will feed into each of the bin stores, so I have been unable to make any judgement on the adequacy of the arrangements in terms of capacity and distance from the domestic properties feeding into each bin store.

I would like to request the higher rate of waste management contributions for this development, in line with the table below.

16.05.2024

- The width of the current road is adequate, although in some areas trees and vegetation are overgrown and overhanging in some parts. The trees and vegetation would need to be kept cut back so that our access would not be compromised.
- Some concern about the amount of space to turn our collection vehicle, this is why I was hoping to look at the swept path analysis, as I need to check the vehicle size that they have used.
- Related to the above point, as turning space seems limited, how will parking on the site be managed? Because the highway will remain unadopted, we are concerned that vehicles parked outside of allocated spaces might block access for us.
- The surface of the current road is quite poor, we would expect this to be finished to adoptable standards if we were to enter into an indemnity.

Drainage:

14.08.2023

1. The developer has submitted a site specific flood risk assessment for the development which includes a proposed surface water drainage strategy.
2. The developer is proposing to discharge surface water drainage from the development using soakaways and permeable paving.
3. Details of the site investigation carried out on the site have been included within the support documentation. This site investigation confirms that the only infiltration testing that has been carried out on the site is using falling head permeability tests within three of the boreholes. As identified within the developer enquiry response for this development in order to confirm whether infiltration techniques such as soakaways and permeable paving are suitable, infiltration testing in accordance with BRE365 must be undertaken at the proposed location of the soakaways and permeable paving. In addition, the infiltration testing must be undertaken at the proposed invert level of the soakaways and formation level of permeable paving. The use of falling head permeability tests which have been carried out in small diameter boreholes are not acceptable.
4. It must be highlighted that the site investigation undertaken on behalf of the developers identifies that if soakaway drainage is to be used full scale in-situ infiltration testing in accordance with BRE365 will need to be undertaken at the location and depth of the proposed soakaway.
5. In order to design the required soakaways and permeable paving infiltration testing in accordance with BRE365 must be carried out in accordance with item 3 above and the lowest infiltration test result from the three tests at each soakaway and permeable paving location must be used within the design of the soakaways and permeable paving. The use of an assumed infiltration test as has

been used within the submitted surface water drainage strategy is not acceptable.

6. The soakaways together with the surface water drainage system discharging to the soakaways must be designed in order that there is no risk of flooding to buildings on the site and there is no increased risk of flooding to land or buildings off the site for the critical 1 in 100 year storm event plus 50% for climate change plus 10% increase in impermeable area for urban creep. Similarly any permeable paving must be designed to demonstrate that there is no flood risk on or off the site for the critical 1 in 100 year storm event plus 50% for climate change plus 10% increase in impermeable area for urban creep.
7. Due to the topography of the land and the risk of re-emergence of flows downstream, the soakaway design must also demonstrate that flows discharging from the soakaway will not result in an increased risk of flooding to property and land downstream of the proposed development. In addition, the site investigation under Section 7.6 clearly identifies that the soakaways will have to be located and designed so as not to cause slope instability or downslope re-emergence. No evidence has been submitted to demonstrate that these matters have been considered within the design process.
8. The only hydraulic modelling that has been submitted is for the size of the soakaways and the design of the permeable paving however these have been designed using an assumed infiltration rate which does not even comply with the comments about soakaway design within the site investigation report. No hydraulic modelling has been submitted for the surface water drainage system discharging to the soakaways which was highlighted as being required within the development enquiry consultation response.
9. The developer must supply a drawing showing the proposed surface water drainage for the development which provides details of the proposed manhole cover levels, invert levels, pipe diameters, pipe gradients, pipe lengths, pipe numbering used in the hydraulic modelling, soakaways, together with details of the impermeable areas discharging to each pipe length. All of this information is required to be included within the hydraulic modeling. Without this information it is not possible to confirm whether there is a risk of flooding to properties on the site for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep.
10. Based on the information that has been submitted to date, the developer has failed to demonstrate that the proposed surface water drainage has been designed in order that no properties on the development are at risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep. In addition, the surface water drainage system must be designed in order that there is no increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep.

Based on the above comments, before planning permission can be granted the applicant must supply the details requested above.

05.12.2023

1. The developer is proposing to discharge surface water drainage from the development using a controlled discharge to the existing on site combined sewer system.
2. Based on the information that has been submitted two surface water systems have been designed, each with a controlled discharge rate of 1.0l/sec. Giving a total discharge rate of 2.0l/sec. This discharge rate exceeds the allowable discharge rate, as identified in the Torbay Critical Drainage Area for a development of this impermeable area.
3. The Torbay Critical Drainage Area requirements identify any surface water discharge rate from the site to the combined sewer must be limited to Greenfield run off rate from the proposed impermeable area of the development for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus 50% for climate change plus 10% increase in impermeable area for urban creep.. It should be noted that where the Greenfield run-off rate for the site is below 1.5l/sec we would accept a discharge rate of 1.5l/sec.
4. The only hydraulic modelling that has been submitted is for the size of the attenuation tanks. No hydraulic modelling for the surface water drainage system discharging to and from the attenuation tank has been submitted. The developer must demonstrate that the proposed surface water drainage has been designed in order that no property on the development is at risk of flooding and there is no increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change plus 10% increase in impermeable are for urban creep.
5. The developer must supply a drawing showing the proposed surface water drainage for the development which provides details of the proposed manhole cover levels, invert levels, pipe diameters, pipe gradients, pipe lengths, attenuation tanks and pipe numbering used in the hydraulic modelling, together with details of the impermeable areas discharging to each pipe length. All of this information is required to be included within the hydraulic modeling. Without this information it is not possible to confirm whether there is a risk of flooding to properties on the site for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep.
6. Within the hydraulic modelling that has been submitted the depth/area of the attenuation tanks in both models has been incorrectly modelled. The hydraulic model for attenuation tank A identifies that at depth 1.2m the area is 108.5m² and at depth 1.3m the area is 0m² however this will be overpredicting the storage volume available within the tank. The attenuation tank must be modelled as follows, at depth 1.2m area is 108.5m² and at depth 1.201m area is 0m².
7. Based on the information that has been submitted to date, the developer has failed to demonstrate that the proposed surface water drainage has been designed in order that no properties on the development are at risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change and 10%

for urban creep. In addition, the surface water drainage system must be designed in order that there is no increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep.

Based on the above comments, before planning permission can be granted the applicant must supply the details requested above.

14.03.2024

1. The developer is proposing to discharge surface water drainage from the development using a controlled discharge to the existing on site combined sewer system.
2. The developer has supplied a drawing showing the proposed surface water drainage for the development which provides details of the proposed manhole cover levels, invert levels, pipe diameters, pipe gradients, pipe lengths, attenuation tanks and pipe numbering used in the hydraulic modelling, together with details of the impermeable areas discharging to each pipe length.
3. The proposed surface water drainage has been designed as two separate networks which have been identified as Network A and Network B.
4. In Network A, the impermeable area from the buildings has been connected into pipe lengths 1.003, 2.003 and 3.003. This means that within the hydraulic model no impermeable area discharges into pipe lengths 1.000 to 1.002, 2.000 to 2.002, 3.000 to 3.002 or 4.000. The drawing of the surface water network clearly identifies connections from the buildings to pipe lengths 1.000, 2.000, 3.000 and 4.000. The developer must review the hydraulic modelling to correctly identify where the impermeable area is connected to the sewer network.
5. In Network A the ground level for manholes S20 and S21 are identified as 149.759m on the drawing however within the hydraulic model the ground levels are identified as 149.800. Please review and amend accordingly.
6. In Network A the ground level for manhole S28 is identified as 149.759m on the drawing however within the hydraulic model the ground levels are identified as 149.800. Please review and amend accordingly.
7. In Network A the ground level for manholes S29 is identified as 149.759m on the drawing however within the hydraulic model the ground levels are identified as 149.920. Please review and amend accordingly.
8. In Network A the pipe diameters for pipe lengths 1.011 and 1.012 are identified as being 225m on the drawing however within the hydraulic model the pipe diameters are identified as being 100mm. Please review and amend accordingly.
9. In Network B the ground level for manholes S56 is identified as 146.273m on the drawing however within the hydraulic model the ground levels are identified as 14145.841. Please review and amend accordingly.
10. In Network B the pipe diameters for pipe length 1.005 is identified as being 225m on the drawing however within the hydraulic model the pipe diameter is identified as being 300mm. Please review and amend accordingly.

11. In Network B the pipe diameters for pipe lengths 1.006 and 1.007 are identified as being 225mm on the drawing however within the hydraulic model the pipe diameters are identified as being 100mm. Please review and amend accordingly.
12. Based on the information that has been submitted to date, it would appear that the proposed surface water drainage has been designed in order that no properties on the development are at risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep. However, the drawing and hydraulic model need to be checked and amended in order that the details correspond.

05.04.2024

Further to your email dated 20th March 2024 attaching revised surface water drainage details for the above planning application I can confirm that providing the surface water drainage is constructed in accordance with the submitted drawings and hydraulic design, I have no objections on drainage grounds to planning permission being granted for this development.

Please note that this proposal is a second option for the surface water drainage at this development. The preferred method of draining surface water run-off is using infiltration drainage however infiltration tests at the proposed soakaway locations and invert levels cannot be undertaken at present. Once these have been undertaken the developer will have to submit the result of the infiltration tests together with the design of the surface water drainage and soakaways in order to demonstrate that there is no risk of flooding to properties on the site or any increased risk of flooding to land or property adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change and a 10% increase in impermeable area to allow for urban creep.

Should you have any questions regarding the above please do not hesitate to contact me.

1. The developer is proposing to discharge surface water drainage from the development using a controlled discharge to the existing on site combined sewer system.
2. The developer has supplied a drawing showing the proposed surface water drainage for the development which provides details of the proposed manhole cover levels, invert levels, pipe diameters, pipe gradients, pipe lengths, attenuation tanks and pipe numbering used in the hydraulic modelling, together with details of the impermeable areas discharging to each pipe length.
3. The proposed surface water drainage has been designed as two separate networks which have been identified as Network A and Network B.
4. In Network A, the impermeable area from the buildings has been connected into pipe lengths 1.003, 2.003 and 3.003. This means that within the hydraulic model no impermeable area discharges into pipe lengths 1.000 to 1.002, 2.000 to 2.002, 3.000 to 3.002 or 4.000. The drawing of the surface water network clearly identifies connections from the buildings to pipe lengths 1.000, 2.000, 3.000 and 4.000. The developer must review the hydraulic modelling to

correctly identify where the impermeable area is connected to the sewer network.

5. In Network A the ground level for manholes S20 and S21 are identified as 149.759m on the drawing however within the hydraulic model the ground levels are identified as 149.800. Please review and amend accordingly.
6. In Network A the ground level for manhole S28 is identified as 149.759m on the drawing however within the hydraulic model the ground levels are identified as 149.800. Please review and amend accordingly.
7. In Network A the ground level for manholes S29 is identified as 149.759m on the drawing however within the hydraulic model the ground levels are identified as 149.920. Please review and amend accordingly.
8. In Network A the pipe diameters for pipe lengths 1.011 and 1.012 are identified as being 225m on the drawing however within the hydraulic model the pipe diameters are identified as being 100mm. Please review and amend accordingly.
9. In Network B the ground level for manholes S56 is identified as 146.273m on the drawing however within the hydraulic model the ground levels are identified as 14145.841. Please review and amend accordingly.
10. In Network B the pipe diameters for pipe length 1.005 is identified as being 225m on the drawing however within the hydraulic model the pipe diameter is identified as being 300mm. Please review and amend accordingly.
11. In Network B the pipe diameters for pipe lengths 1.006 and 1.007 are identified as being 225m on the drawing however within the hydraulic model the pipe diameters are identified as being 100mm. Please review and amend accordingly.
12. Based on the information that has been submitted to date, it would appear that the proposed surface water drainage has been designed in order that no properties on the development are at risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep. However, the drawing and hydraulic model need to be checked and amended in order that the details correspond.

30.05.2024

1. Drawing number J-2918 3003C identifies the attenuation tank for the Network B surface water system as being 6m x 21.5m x 1.2m deep. This gives a plan area for the base of the attenuation tank of 129m². Within the hydraulic modelling for the Network B surface water drainage system the plan area for this tank is identified as being 150.5m² with a depth of 1.2m. As can be seen the volume of storage available within the attenuation tank identified on the drawing is far less than the volume of storage available within the attenuation tank identified within the hydraulic model.
2. Obviously, if the attenuation tank size identified on the drawing is correct, the developer must submit the revised hydraulic design with this tank size being included. If the tank size included within the hydraulic model is correct the developer must submit a revised drawing showing the correct attenuation tank dimensions.

3. All of the other issues raised in my previous consultation responses have been addressed.

31.05.2024

Further to your email dated 31st May 2024 attaching the revised surface water drainage drawing for the above planning application, I can confirm that providing the surface water drainage is constructed in accordance with drawing number J-2918 3003D and the submitted hydraulic designs, I have no objections on drainage grounds to planning permission being granted for this development.

Devon and Cornwall Police:

No objections. Comments included the need to take care over defining public and private space. Ensure clear signage is used where necessary. Recommend the use of door entry security. Recommend boundary treatment and hedges are at a suitable height to prevent unauthorised entry. Recommend that bicycle and bin stores should be lockable to prevent unauthorised access. Concern over the use of car parking away from the properties.

Historic England:

15.08.2023

Impact on the significance of Brunel Manor, Watcombe Park and Watcombe Park Conservation Area

The proposals involve the demolition of modern extensions to the main house, the construction of 9 new dwellings alongside landscaping and other works.

Historic England are supportive of the removal of the extensions at the eastern part of Brunel Manor. However, we have concerns about the visual impact that the proposed Woodland Row development would have in views within the Conservation Area and registered garden.

The Woodland Row proposals are incongruous in their design with the house. In their current form and position, directly to the east of the main house, the proposals would negatively impact on main views to the house within the garden, and on the approach to the house. They would erode the historic character of the Conservation Area and the surrounding parkland through their unsympathetic design, which does not adequately reference the aesthetic and architectural form of Brunel Manor.

We also have concerns about the form of the Water Row proposals, specifically their form. The proposed buildings similarly fail to respond to the historic character of Brunel Manor.

The flat rooflines of the Woodland Row and Water Row proposals do not respond to the gabled, pitched roofline of Brunel Manor, and would appear incongruous with the form of both the north and south elevations of Brunel Manor. The pink limestone chosen for the masonry elements of the Woodland Row would appear stark against

the grey limestone of the south façade, visually competing with the principal building in views from the south.

Historic England has concerns about the visual impact of the Woodland Row and Water Row proposals. We recommend that your authority seeks amendments on the form, materiality, design and massing of the buildings, which are currently incongruous with the historic character of Brunel Manor, and will cause harm to its significance, and that of the registered garden. (Para 195).

In our opinion the current proposals will not sustain or enhance the heritage assets that are affected by the proposals, nor make a positive contribution to local character (Para 197).

Due to the significant position of the sites within the Conservation Area and the designated landscape, the conservation of these designated heritage assets should be at the forefront of decision making. (Para 199). Once these amendments have been sought, the harm that is caused should be weighed against the public benefits that will arise from the proposals. (Para 200 & 202). We leave this exercise to your authority to carry out.

30.10.2023

We have been consulted on amendments to the application, in the form of a letter from the planning agent in response to our previous letter of advice.

Having considered the amended information, our initial letter continues to reflect our formal advice, and position.

Whilst we are supportive of the removal of the extensions at the eastern part of Brunel Manor, we maintain our view that the design of both the Woodland Row and Water Row elements of the proposals are incongruous with the character of Brunel House, and do not adequately reference the aesthetic and architectural form of Brunel Manor. The rectangular, modular form and flat roofs of the Woodland Row proposals are unsympathetic to the form and roofline of Brunel Manor. The use of pink limestone in the Woodland Row proposals, whilst aiming to appear reference the service elements of the house, will introduce a comparatively vibrant tone to the otherwise muted colour palette of the south elevation of the house. The proposed pink limestone would appear visually conspicuous in views within the conservation area and registered landscape. We also have concerns about the form of the Water Row proposals, specifically their rectangular form, and flat rooflines, which similarly fail to respond to the form of Brunel Manor.

Overall, we do not advocate for any new development to replicate Brunel Manor, but rather a design that greater references the form and materiality of the building and provides a more contextual response.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Should your Council be satisfied that the proposals for housing as a replacement to ancillary buildings is acceptable in principle, we recommend that amendments are made to the design of those dwelling to reduce the harm that we have identified. We recommend that your authority seeks amendments to the Woodland Row and Water Row elements of the proposals that address the negative impact that their proposed design, form and massing would have on the Conservation Area, registered landscape and the setting of Brunel Manor.

Victorian Society:

Brunel Manor and the surrounding Watcombe Park form a significant group of historic buildings and landscape. Originally envisaged by Isambard Kingdom Brunel as the home for his retirement, he created a landscape with the help of his gardener Alexander Forsyth, on the advice of William Andrews Nesfield. Later Brunel commissioned Willaim Burns to design a house, only the foundations and basement being completed. In c1870 the existing house was constructed for JR Compton, a Lancaster industrialist. Despite changes of use and alterations the building is notable for its surviving historical features and 'eclectic detail'.

The proposed residential redevelopment of the site is in principle acceptable. However, the quantum and detail of the development raises concern. The subdivision of Brunel Manor into multiple units is acceptable but the proposed 13 units represents a concerningly high quantum of development. The principal interior spaces remain in good condition and the proposed insertion of 'pods' would harm their appreciation and the significance of the building. We recommend that a smaller number of units is explored that would allow significant interior spaces to remain as designed.

In principle there is scope for some new development within the site. However, the proposed residential units would harm the setting of the listed building and the significance of the registered landscape. Proposed so close to the historic building, the new units would detract from its perception within the landscape. This negative impact would be increased by their design which is at odds with the historic buildings on the site, this would emphasise their imposition on the historic landscape and contend with the listed building. A further concern is the number of cars that would be introduced into the site with the creation of so many dwellings, this would further encumber a landscape that should retain its historic character.

We recommend that options are explored for dwellings in more discreet parts of the site and that a design language inspired by C19 estate architecture would be more suitable for new development on the site. This extends to the proposed extensions to the lodge which would be successful if designed to complement the existing building.

The NPPF states: '199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation' and '206. Local planning authorities should look for opportunities

for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.’ Although the proposals will offer some heritage benefits such as the demolition of harmful C20 development on the site, they will not ensure the conservation or enhance the significance of the listed building, registered landscape or Conservation Area. We object to the application in its current form and recommend the applicant seriously reconsider their proposals.

Green Infrastructure:

No objection subject to below:

No Bedrooms	No of Dwellings	Costs as per table 4.9 (£)
1	2	£1,720.00
2	17	£18,275.00
3	6	£7,740.00
4	10	£13,980
	Total	£41,715.00

This should be proportionately reduced to take account of any on-site provision in negotiation with the Green Infrastructure Team.

Consideration will also need to be given to the wider management of the adjacent Watcombe Woods (managed by Torbay Coast and Countryside Trust) and the provision for a permissive footpath through the site to enable pedestrian access to the Maidencombe are and south west coastal footpath.

Future management and maintenance of the gardens and wider area to dovetail with recommendations from Historic England

Affordable Housing:

06.09.2023

The LPA provided pre-application advice in February 2022, according to the applicant’s Planning Statement. This advice as summarised stated that the applicant was required to 20% affordable housing with Policy H2, subject to any viability. The tenure breakdown and any further details on the affordable housing provision are not recorded as having been discussed.

The applicant’s Planning Statement states that vacant building credit (vbc) should apply and this equates to no affordable provision being required. This is not recorded as having been discussed as pre-application stage.

Planning Practice Guidance (Planning Obligations) in relation to vbc is excerpted below:

“The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider: whether the building has been made vacant for the sole purposes of re-development whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development. (Paragraph: 028 Reference ID: 23b-028-20190315).”

The Bettsworth report sets out why the current use is not sustainable to support the change of use application but does not indicate whether the buildings can or are being used for the original purpose until the application is determined. In fact the photos attached to Bettsworth report shows made up bedrooms and available operational rooms.

The applicant’s Planning Statement (6.38) states the following in relation to vehicle trips. This states that “the site’s assumed existing trip generation” is higher than the proposed residential use. This seems unlikely if the property is reportedly vacant.

“The development proposals are forecast to result in an overall reduction of vehicle trips when compared to the site’s assumed existing trip generation. This will therefore have a positive impact on the safety and operation of the existing local highway network. Overall, it is concluded that the proposed development should be considered acceptable on highway grounds.”

Given the contradictory information and lack of evidence contained within applicant’s submission, if the building is vacant, it has been made so for the sole purpose of re-development. As such there is still a requirement for affordable housing.

Principal Policy and Project Officer:

10.06.2024

There have been extensive discussions about Brunel Manor. Initial Policy comments were provided on 20th September 2023. There has been later correspondence on Vacant Building Credit and affordable housing. Policy conclusions accepting the case for VBC were set out in the email of 6th November 2023. This note seeks to summarise the key planning policy issues.

Torquay Neighbourhood Forum have provided a helpful detailed assessment of the proposal’s performance against the development plan, and this is not repeated here. There is strong local and national policy support for brownfield housing development and securing the future of an important Heritage Asset.

Brunel Manor is within the built-up area of Torbay in the Local Plan, albeit towards the edge of it. The major planning issues around the site are likely to be linked to the heritage and listed building/Parks and Garden/ Conservation Area (etc.) status of the site and the restoration of the woodland area. Policies SS9, SS10, C4, C5 and HE1 of the Local Plan and TT2 of the Torquay Neighbourhood Plan are central to consideration of the application. This will also affect trees, which are TPO’d, and ecology. The site is also partly covered by Local Green Space (TLGSB2 and TLGSM2). An integral part of the proposal will be the maintenance and enhancement

of the listed building and historic park and garden for posterity, and provision of public access.

There are drainage issues relating to the site. Policies ER1 and ER2 of the Local Plan are relevant, and Torbay is a Critical Drainage Area.

The proposal would create much needed housing on a brownfield site. Torbay has a significant housing shortfall at just under 2.2 years' supply. Policies SS3, SS13 and H1 of the Local Plan seek to support new housing in such circumstances. Policy TS4 of the Neighbourhood Plan directs development to previously developed sites. Additionally, the Presumption in Favour of Sustainable Development in paragraph 11 of the NPPF is a relevant material consideration. Substantial weight needs to be given to the delivery of housing in the planning balance. Affordable housing is considered separately below. The site's numerous Heritage designations, including its Listed and Conservation Area Status are "footnote 7" matters that can disable the "tilted balance" at Paragraph 11(d)(ii) of the NPPF. Although there is a very pressing need for housing, this cannot override the importance of conserving and enhancing the building and grounds for their historic and green infrastructure value.

Loss of Tourism

Brunel Manor is a tourism asset of some importance to Torbay in a spectacular setting. Policies TT1 of the TNP and TO2 of the Local Plan are relevant. The application is supported by a tourism assessment by Bettsworths which highlights the dated and small nature of the rooms, high maintenance costs and relative remoteness from other tourist attractions. The Manor was for many years operated as a Christian retreat and conference centre partly run by volunteers. I agree with Bettsworth's assessment that significant investment would be needed to bring the facilities up to a standard needed to cater for a modern tourism market or to re-purpose it for conference facilities.

The site is not located in a Core Tourism Investment Area and new hotels have recently been provided in more prominent Waterfront locations in Torbay. The English Riviera Destination Management Plan 2022-30 identifies a need to reduce the stock of bedspaces by 2% by 2027 in order to reduce the oversupply of outdated accommodation. On this basis I do not consider there to be a tourism objection in terms of the tourism policies in the development plan. In any event, safeguarding the Listed heritage assets and providing housing would provide strong policy reasons in favour of the proposal. The pressing need for housing is also relevant when considering the loss of the tourism facility.

Highways, Sustainable transport link and S106 obligations.

Some representations refer to the safety of the access onto the A379 Teignmouth Road. This is a matter for detailed highway comments. The Strategy team has argued that a cycling/footpath route between Maidencombe and Watcombe should be created. Maidencombe is largely car dependent (although it is on the no. 22 bus route). Pedestrians and cyclists have to use the main road which is closely bounded

by walls. Creating a public route through the site would improve road safety and reduce reliance on the private car. This is a matter for detailed discussion with Highways/Transport colleagues. I note that the police have advised for the need to demark public and non-public routes on the site.

Andrew Gunther's email of 7th December 2023 sets out more detail on this. Access through Brunel Woods to Brunel Avenue is a more direct route than via Seymour Drive. Along with heritage improvements to the building and grounds, the improvements of walkable/cycling routes is an important policy consideration. This is relevant to the discussion of Vacant Building Credit and achievability of affordable housing below.

S106 and CIL Matters

The site is within CIL Charging Zone 3. This reflects the higher viability that areas such as Watcombe Heights were expected to have, at the time when CIL was introduced. In such areas developments of 15 dwellings net or more are expected to cover infrastructure requirements through S106 obligations.

Sustainable Development contributions should be sought on the basis of the December 2022 version of the Planning Contributions and Affordable Housing SPD. The site is not CIL liable and therefore obligations for education, lifelong learning, open space, sustainable transport and waste management fall to be delivered through S106 Obligations, unless provided through on-site measures. The Education Team has confirmed a need for secondary school and Special Education Needs places in Torbay, but there is currently an oversupply of primary places. The proposal makes provision for improved public open space "on site" and therefore this element of public open space provision (open space at 25sqm/£315 per person at Tables 4.7 and 4.8 of the SPD) appears to be an on-site matter rather than requiring an off-site contribution.

The NHS has sought contributions for healthcare. The Planning Contributions and Affordable Housing SPD (December 2022) support these where development is not on an allocated Local Plan site. This applies to the current application.

S106 Affordable Housing /Vacant Building Credit

The proposal creates 35 dwellings. The application form states that there are 6 existing dwellings on the site, i.e. a net addition of 29 dwellings. Policy H2 of the Local Plan requires 20% affordable housing on brownfield sites, or 5.8 affordable dwellings (5.8 x 29). Torbay has a very pressing need for affordable housing, which is sought by Local Plan policy (H2) and TNP (TH4). However, Brunel Manor is not particularly close to facilities such as shops, schools etc. and the maintenance of the listed building and garden will probably require residents to pay service charges to a management company. On this basis there may be a case to accept an offsite contribution which would amount to about £827,600.

The applicant has argued that the application is entitled to vacant building credit (VBC) as per paragraph 65 and footnote 31 of the NPPF) on the basis that the current floor

area is 4,809 sq. m and proposed floorspace is 4,829 sq. m. so that no liability for affordable housing exists (6.48 of the Planning Statement). Both the former Housing officer (James Beale) and the Neighbourhood Forum have expressed concern at the lack of affordable housing. The applicants have argued (and provided legal advice) that VBC is legally binding. I remain of the view that it is a planning judgement, albeit one where the NPPF should carry significant weight, particularly where the Local Plan is out of date.

Paragraph 65 of the (2023) NPPF states that “*To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount (footnote 31: Equivalent to the existing gross floorspace of the existing buildings)*”.

Paragraph 28 (23b-028-20190315) of the Planning Practice Guidance provides additional advice on VBC:

Does the vacant building credit apply to any vacant building being brought back into use?

The vacant building credit applies where the building has not been abandoned.

The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- the condition of the property*
- the period of non-use*
- whether there is an intervening use; and*
- any evidence regarding the owner’s intention*

Each case is a matter for the collecting authority to judge.

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- whether the building has been made vacant for the sole purposes of re-development*
- whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development*

There is no suggestion that Brunel Manor has been abandoned. However, the issue arises whether the building has been made vacant for the sole purpose of redevelopment. The building’s former long-term occupant was the Woodland House of Prayer Trust. Their website indicates that they vacated the building in 2021 because of changing needs and closer ties with a similar organisation as well as a consequence of Covid-19. Therefore, the building was not vacated for the sole purpose of redevelopment.

The intention of national policy is clearly to prioritise brownfield development. Michael Gove's letter of 8 September 2023 indicated that LPAs should be "open and pragmatic" to ensure developments are viable, and should make best use of small pockets of brownfield land. The government issued further guidance in February 2024 to strengthen planning policy for brownfield development and consulted on a general "presumption" in favour of brownfield development; although this has not (currently) been formally adopted.

VBC may reduce the delivery of affordable housing, which is the type of housing most needed in Torbay. But this is an "unintended consequence" of the widely supported policy of prioritising brownfield development and the reuse of buildings. It will assist the general supply of housing.

The Brunel Manor application entails significant amounts of building restoration and woodland management, as well as the improvement of walking and cycling routes in the area. As set out above, these are likely to be the most important planning considerations in view of the numerous designations relating to Brunel Manor and its grounds.

On the basis of the above, and assuming that heritage and accessibility matters can be satisfactorily resolved, then there is a policy case to apply VBC.

I understand that the application is not supported by a formal viability assessment, but that a reasonable assessment of the necessary restoration works would indicate that, should a formal assessment of viability be required, it is very likely to show that affordable housing could not be provided through S106 Obligation. I am aware that viability has been cited in VBC negotiations outside of Torbay. But there is no requirement in the NPPF or PPG for one to be provided as a pre-condition for granting VBC.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Development.
2. Economic Impact.
3. Design and Visual Impact.
4. Impact on Heritage Assets.
5. Impact on Landscape and Trees.
6. Impact on Residential Amenity.
7. Access, Impact on Highway Safety and Parking.
8. Ecology and Biodiversity.
9. Flood Risk and Drainage.
10. Recycling, Waste, Sustainability, Low Carbon.
11. Designing Out Crime.

1. Principle of Development

The Development Plan (i.e. the Local Plan and the relevant Torquay Neighbourhood Plan) is the legal starting point for determining planning applications, and proposals should be assessed against it. A judgement should be made as to whether a proposal complies with the Development Plan (when taken as a whole). Where the Development Plan is out of date in the case of applications such as this involving the provision of housing, it retains its statutory force, but the focus shifts onto the NPPF and presumption in favour of sustainable development.

In February 2024, the Department for Levelling Up, Housing and Communities reiterated its support for brownfield regeneration and published a consultation on further revisions to the NPPF to introduce changes to Paragraph 129(c) to give significant weight to the benefits of delivering as many brownfield homes as possible. However, the consultation does confirm the government's commitment to beauty.

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. Letters of representation supporting the proposal highlight that the proposal would provide housing, whereas those objecting have raised concerns regarding the quantum of development and the housing mix. Letters of representation have also indicated that the application site is shown in the Local Plan. Objectors have raised concerns over the loss of employment uses.

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.

The Government published the most recent Housing Delivery Test in December 2023. Torbay's result is 55% (i.e. between 2019-22 there were only 55% as many completions as the number of homes required). Torbay's most recent housing land supply, which was published in April 2023, stated that the Council has 2.17 years, which is a significant shortfall. Additionally, the Presumption in Favour of Sustainable Development in paragraph 11 of the NPPF is a relevant material consideration. Substantial weight needs to be given to the delivery of housing in the planning balance. Affordable housing is considered separately below. The site's numerous Heritage designations, including its Listed and Conservation Area Status are "footnote 7" matters that can disable the "tilted balance" at Paragraph 11(d)(ii) of the NPPF. Although there is a very pressing need for housing, this has to be balanced against the importance of conserving and enhancing the building and grounds for their historic and green infrastructure value.

Whilst government guidance pulls in somewhat different directions, 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. There is a pressing need for housing in Torbay, and the site

is allocated for housing in the Development Plan. Accordingly, the presumption in favour of sustainable development is applied to applications involving the provision of housing.

Under the presumption, permission should only be refused where either:

- The application of policies in the Framework that protect areas or assets of particular importance, relevant to this application would be designated heritage assets, provides a clear reason for refusal (i.e. the “tilted balance” at Paragraph (d)i) or
- The impacts of approving a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole (i.e. the “tilted balance” at Paragraph 11(d)ii).

Development Plan policies are taken into account when assessing whether the harm caused would “*significantly and demonstrably*” outweigh the benefit.

The previous site owners were a charity who used the site as Christian Retreat and Conference Centre. The evolved over time and was used as a residential institution where a limited number of staff were employed. The majority of staff appear to have been volunteers. The application is supported by evidence to confirm this view.

Policy TO2 of Torbay Local Plan is relevant as it states that tourism facilities and accommodation outside the Core Tourism Investment Areas that major a major contribution to the tourism offer will be protected. However, the policy states it will be permitted where:

1. The holiday character of the area and range of facilities and accommodation offered are not undermined; and;

2. One or more of the following apply: the site is of limited significance in terms of its holiday setting, views and relationship with tourism facilities; it can be demonstrated that there is no reasonable prospect of the site being used for tourism or related purposes, or; the redevelopment or change of use will bring regeneration or other benefits that outweigh the loss of holiday accommodation or facilities.”

The site is within CIL Charging Zone 3. This reflects the higher viability that areas such as Watcombe Heights were expected to have at the time when CIL was introduced. In such areas developments of 1-14 dwellings are CIL liable at £70 per square metre, but developments of 15 dwellings net or more are expected to cover infrastructure requirements through Section 106 obligations.

Turning to Vacant Building Credit (VBC), paragraph 64 of the NPPF states:

‘To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.’

Footnote 30 of the NPPF states “*Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.*”

The NPPG further explains the NPPF’s VBC policy in paragraphs 26 to 28 as follows:

‘What is the vacant building credit?’

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.’

VBC applies where the building has not been abandoned. The Courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- the condition of the property;
- the period of non-use;
- whether there is an intervening use; and
- any evidence regarding the owner’s intention.

Each case is a matter for the collecting authority to judge. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the VBC should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- whether the building has been made vacant for the sole purposes of re-development.
- whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

The matter was debated during the application process. The applicant’s planning solicitor, Clarke Wilmott, submitted a legal opinion stating that VBC applies. For clarity, the Woodlands House of Prayer Church vacated the building in May 2021. They were a charity and operated on a not for profit basis, using voluntary staff. The property was subject to marketing and there is no evidence to suggest that the property was vacated solely for the purposes of redevelopment. Therefore, as there is no increase in floorspace, there is no requirement to provide affordable housing on the site. Given this, the comments from Torquay Neighbourhood Forum on affordable housing provision are satisfied.

Section 106 contributions are set out below:

Contributions table

Note: the contribution is multiplied by the number of units below re-calc

Floorspace in sq.m	Below 60sq.m	60-79 sq.m	80-108 sq.m	109+ sq.m	Total

Number of units on site	1	6	7	21	35 Units
Sustainable transport	£860	£1,075	£1,290	£1,398	£45,698
Education (secondary)	£0	£2,893	£3,623	£4,327	£133,586
Education (post16)	£0	£1,199	£1,434	£1,694	£52,806
Education (SEN)	£0	£3,145	£3,977	£4,717	£145,766
Lifelong learning	£157	£214	£292	£337	£9,402
Waste management	£162	£162	£162	£162	£5,670
Public open space					£41,715
					£392,928
Monitoring @5%					£19,646
Total					£412,574

Other site related costs include Legal fees and Biodiversity Net gain within the blue boundary of the site.

The NHS has sought contributions for healthcare. The Planning Contributions and Affordable Housing SPD (December 2022) support these where development is not on an allocated Local Plan site. This applies to the current application and the NHS Primary Care contribution is calculated as £21,734.

Matters relating to the designated Local Green Space and Urban Landscape Protection Area are covered in Section 5 of this report.

The presumption in favour of sustainable development applies considering that the Council's 4-year housing supply shortfall and, as a matter of principle, the loss of tourism use does not present any adverse impacts that would significantly and demonstrably outweigh the benefit of granting permission.

For the reasons above, the principle of the change of use through the sites redevelopment from the former tourism, religious use to residential is considered to be 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 SS3, SS12, H1 and TO2 of the Torbay Local Plan and Policies TS4 and TT1 of the Torquay Neighbourhood Plan.

2. Economic Impact

Policy SS1 (Growth strategy for a prosperous Torbay) of the Local Plan states that development should reinforce Torbay's role as a main urban centre and premier resort.

Policy SS4 of the Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses; it encourages new businesses and investment into the area in order to create new jobs; and it promotes the expansion and diversification of the economy of the Bay.

Policy SS11 of the Local Plan (Sustainable communities) explains that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle.

As discussed previously, staff numbers were extremely low at the site when used as a Christian retreat and much of the staffing was undertaken by short term volunteers. The operation was largely undertaken by a manager who facilitated training sessions, welcomed guests and organised property maintenance. A hotel viability report prepared by Bettesworth concludes that due to the location of the site outside the core tourism area and the cost of redeveloping the site a hotel use is unviable. It is therefore unrealistic to use the potential job yield that could be achieved from a hotel use as a comparison in this specific location.

The proposal would generate a number of significant economic benefits. The proposed development will support shops and services in the area through increased retail spend and household expenditure to support the local economy. The development will also generate additional Council Tax returns providing a critical source of revenue funding for the local authority in delivering services as well as investing in the local area. Other benefits include the breadth of jobs during the construction period.

As discussed previously, Torbay cannot demonstrate a 3 or 5-year housing land supply, and therefore significant weight is given to the provision of additional housing. The demonstrated economic benefits of new housing is a material factor in this respect.

It is considered that it complies with the aspirations of Policies SS1, SS4 and SS11 of the Local Plan, and would bring economic benefits to the Bay.

3. Design and Visual Impact

With regards to design, the NPPF requires good design to create better places in which to live and work and to make development acceptable to communities. Developments should be well-designed and take the opportunities available for improving the character and quality of an area and the way it functions. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy DE5 of the Local Plan states that extensions should not dominate or have other adverse effects on the character or appearance of the original dwelling or any neighbouring dwellings or on the street scene in general. Policy TH8 of the Torquay Neighbourhood Plan states that

development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The key elements can be summarised as follows:

- Pre-application enquiry and engagement with Torbay Council – November 2021 to April 2023.
- Pre-application enquiry to Historic England - July 2022.
- Design Review – September 2022.
- Public Consultation and liaison with key stakeholders – March to April 2023.

A Design and Access Statement (DAS) (by APG Architecture) and a Landscape and Visual Appraisal (LVA) (by landscape advisors Viridian Landscape Planning). The LVA considers the likely visual effects of the proposal which are linked to a proposed landscape strategy and restoration plan for the site.

For clarity the proposal has been broken down into each distinct element:

Demolition

The removal of later additions to the Manor on each side is fully supported. This element of the proposal allows a reduction in scale of the entire built form and allow space for further development around. The swimming pool within in the grounds is clearly a priority for removal given the impact of it's dated design and impact on the sweeping views across the site when looking north. Other demolition around the lodge allows the building to be read in its original form.

The wider group

The removal of later additions and buildings allows two new built elements, Water Row and Woodland Row to the east and west of the Manor, conversion and improvement to The Court and extension to the lodge to the north east. The group of new buildings sit at an appropriate distance from the Manor allowing old and new to be read to complement each other. There is sufficient public space and landscape features to support this comparative low level of new built form given the significance and scale of the Manor.

Brunel Manor

The critical benefits to this part of the proposal are the removal of the large scale buildings and additions associated with the Manor. The reinstatement of the new canopy and wider, adjoining landscape allows the building to be read as it was intended. There is little external evidence of the compartmentalism required to create the new residential units which is a key part of the success of the scheme.

Woodland Row

Woodland Row sits to the east of the site, set back to the east of the Manor House. The proposals are sensitively nestled into the landscape, working with the existing contours of the site. It consists of six units arranged in three blocks.

This element of the proposal underwent various refinements, particularly following the Design Review Panel process. The location was broadly supported, however the design evolved to that submitted to nestle into the topography, taking cues from the landscape, rather than overly replicate the architectural style of the Manor. The new dwellings seek a modern architectural form and style, with simplified detailing. There would be a clear gap between old and new with sight lines between enabling views through and out of the site. Each block would be two storeys to the north and three to the south which would integrate appropriately into the landscaped form. A landscape restoration plan shows how this approach would be supported by the density of retained planting and newly managed vegetation.

The parking, access and gardens have been arranged in a way to minimise impact on the landscape and to simplify the interaction between spaces around the buildings.

Given the topographical changes to this new built element a condition has been suggested to precisely understand the finished floor levels. This is required to be a pre-commencement condition to ensure this element is constructed in a satisfactory manner.

Water Row

Water Row sits to the north west of the site, set back to behind the Manor House. The proposals are sensitively arranged in line with the woodland, sat in the clearing created by the tennis courts and opening views where the kitchen garden used to belong, just outside today's site boundary. Water Row consists of three units and a mixture of detached and semi-detached.

This part of site was described by DRP as an appropriate part of the sensitive site to develop. Originally in a 'U' shape design, the new 'T' and inverted 'L' approach would be set back from the Manor at a higher level given the former use as tennis courts. The relationship with the wall to the north is kept low and quiet given the building heights. The layout would be narrow and running east to west to keep the built form as being read differently from the established grandeur of the Manor.

Both new build elements at Woodland Row and Water Row require an appropriate palette of materials and details to ensure their success. Given the comments from Historic England and the Victorian Society it would be appropriate to provide comfort around key details which are covered in the suggested conditions below:

- Materials for each building.
- Details of boundary treatments.
- New windows and doors.
- Finished floor levels.

Brunel Lodge

This is the primary entrance to the Manor site and has been modified extensively over the years. The residential units within would be rearranged to improve the use of space. An addition is proposed to the west to form a second residential unit. This is

considered to be a sensitive addition which works with the architectural language and scale of the original.

Given the various distinct elements of this proposal around landscape changes and improvements, demolition, renovation and re-use and new build it would be appropriate to seek clarity on any phasing of the works. A condition is suggested to provide a phasing plan to understand how the development will be implemented in relation to an agreed timetable of works.

The proposal is considered to be in accordance with Policies DE1, DE5 and SS10 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

4. Impact on Heritage Assets

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.

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.

Paragraph 203 of the NPPF goes on to state that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF considers that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.

Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), requires clear and convincing justification.

Paragraph 208 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

With regards to non-designated heritage assets, Paragraph 209 of the NPPF advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 210 of the NPPF confirms that should a heritage asset be lost either wholly or in part, local planning authorities should take all reasonable steps to ensure that the new development will proceed after the loss has occurred.

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 BE1 of the Neighbourhood Plan confirms that proposals which affect designated and non-designated heritage assets must comply with the requirements of the NPPF and relevant policies of the Local Plan. Policy BE1 goes on to state that all developments should ensure a high quality of design that respects the specific character and historic legacy of each settlement and the surrounding area.

Brunel Manor sits with part of its former grounds at the north eastern edge of Torquay, within Watcombe Park and the Watcombe Park Conservation Area. The site was originally acquired by Isambard Kingdom Brunel between 1847 and 1857 and was intended to be his retirement home. Brunel's ill health led to the sale of the site in 1859, just days before his death; only the foundations and cellars of his planned house had been completed at this time.

The parkland's construction began in 1848, in advance of the construction of Brunel's house and was predominantly designed by himself. The drive approach from the west to the house was designed with planting, where some larger trees and herbaceous shrubs still exist. The 1st edition OS map shows mature trees planted immediately to the east of the house, but these have been removed to accommodate an extension and car parking. As noted in the Conservation Area Appraisal the tree coverage contributes towards the character and appearance of the Conservation Area.

The current house was completed in around 1870 by J Watson for JR Crompton, a paper manufacturer from Lancaster, on the site of Brunel's intended house. Brunel Manor is a large and highly eclectic late Victorian mansion, constructed from limestone rubble, with bath stone dressings and predominantly pitched, slate roofs. The gabled dormers and barge boarding of the south elevation have created a Gothic house that is enhanced by its position within the designed landscape.

Designations

The property contains four Grade II Listed Buildings:

- Brunel Manor, which includes Brunel Court and Brunel Lodge – the subject of this application.
- Two flights of steps with balustrades to south of Brunel Manor.
- Balustrades to south terrace of Brunel Manor also covers both the Listed flights of steps and balustrades).
- Gate piers and walls at entrance to Brunel Manor.

A Heritage Statement by AC Archaeology has been submitted in support of the application.

The entire site falls within the Watcombe Park and Brunel Manor Grade II Registered Park and Garden. This designated area is, however, larger than the current property, and extends slightly to its northwest, and to the south and then southeast and southwest of the present Brunel Manor. Its boundaries define the surviving extent of Watcombe Park, along with some developed land along Seymour Drive to the northwest of Brunel Manor. Watcombe Park was historically much larger.

Brunel Manor now comprises less than 10% of the land originally purchased by Brunel for his park and wider estate.

The whole property lies within the Watcombe Park Conservation Area. Brunel Manor is at the centre of this designated area and includes the whole of the Registered Park and Garden. It also extends southeast taking in early and mid 19th century villas alongside and to the east of the A379. Most of these villas predate the completion of Brunel Manor. They include Watcombe Lodge rented by Brunel whilst he was developing his mansion at Watcombe.

In summary, the proposed works would create the following:

Site/building	Type	Total
Conversion of Brunel Manor	2 bed house	1
	3 bed house	2
	2 bed apartment	13
	3 bed apartment	1
Total in listed building		17
Conversion of Brunel Court	1 bed house	2
	2 bed house	3
	3 bed house	2
Conversion of Brunel Lodge	3 bed house	1
	4 bed house	1
New build	4 bed house	9

Total conversions and new build		18
Total		35 units

Although this report relates to the planning application, for the clarity, works requiring listed building consent include:

- Demolition of 20th century, unsympathetic extensions, alterations and additions.
- A variety of repair and restoration work.
- A new walkway canopy on the south and west elevations.
- New window and door screens following alterations.
- New glazed screens and door screens of the north elevation.
- New glazed door screens on the east elevation.
- Internal works including the insertion of new WC pods.
- Formation of a small number of new openings to facilitate access between rooms.
- Removal of service stairs in north west wing.
- Removal of some internal fabric to facilitate residential conversion.

Significance

The grade II Listed Building of Brunel Manor is of 'national importance'. Its significance derives from its architectural, aesthetic, artistic, and historical values, as well as several aspects of its setting. Its architectural and historical values are considered the most important, but with the others also contributing to its significance at a high level. Brunel Manor is also an important building locally, considering Isambard Kingdom Brunel time spent in Torquay and Devon during the last decade of his life. It is considered to be a heritage asset of high significance.

Brunel Manor's architectural value relates to its design as a Victorian villa. It has group value with other large villas and their associated grounds locally in Watcombe and wider Torquay.

During the 20th century many alterations and extensions were undertaken to create a conference centre. This included the creation of a first floor above the Rodenhurst Room, construction of a dining room extension on the footprint of a veranda and upper terrace, subdivision of historic bedrooms on the upper floors, compartmentalisation of corridors to create fire barriers, and construction of the conference room and residential accommodation. These modern changes do not contribute to the significance of the building.

Brunel Manor has aesthetic value relating to its architecture, internal fixtures and finishes, particularly visible in the ground floor reception spaces and rooms. There is a clear relationship between the house and gardens.

There is also artistic value relating to the quality of its fixtures, fittings and finishes. This largely relates to the high level of investment in the building.

The significance of both Brunel Court and Brunel Lodge is drawn from their architectural, historical and aesthetic values and from aspects of their setting, all at lower levels. The buildings are also important for their group value with Brunel Manor, as part of the later 19th-century development of Watcombe park. They are considered to be heritage assets of low significance.

The designated landscape is summarised most clearly within the Watcombe Park Conservation Area Character Appraisal as:

'The ensemble of the listed Brunel Manor and the registered Historic Park and Garden are combined in the Watcombe Park Conservation Area, both contribute to an area of local distinctiveness and national importance. They form an attractive and environmentally sensitive part of Torquay. The origins of the historic park and its association with possibly the most famous of the great 19th century engineers gives the conservation area much of its historic status and a uniqueness, for there is no other landscape known to have been created by Brunel.'

Brunel Court and Brunel Lodge are the principal ancillary buildings to Brunel Manor. Brunel Court is the former stable block complex already converted into five residential units. They can be considered to be curtilage listed in relation to Brunel Manor. Both date to the 1870s with extensions in the same decade at the latter. Both buildings have been extended as well as altered internally, which has impacted on their significance.

The important elements contributing to the character of the Watcombe Park Conservation Area are summarised in the CAA:

- *first and foremost Brunel's unique designed landscape of the 1850s aided by Forsyth, with the historic house of 1870 including the early work by Burn, and Nessfield's later work;*
- *the large extent of remaining open space within the historic park, including the extensive network of footpaths in Brunel Woods provided for public recreation;*
- *the 19th century villa development orientated towards the sea, some of which remain significantly unaltered, including the original spatial arrangement, roof profiles, stacks and original pots, etc;*
- *the range of historic frontage and layout forms employing an intricacy of detail, and using a range of materials including mid-19th century decorative stucco cornices and moulding, and the later-19th century use of polychromatic building materials;*
- *the survival of a high proportion of period detail, both internal and external, such as original sash windows with their glazing bars, stained glass, moulded architraves, and panelled doors, shutters and reveals;*
- *the survival of boundary walls using local grey limestone and red sandstone;*

- *the location of the Watcombe Beach Road public car park, providing access to an unspoiled beach; the Valley of the Rocks; woodland and coastal walks with access to the South West Coast Path;*
- *extensive tree cover and tree groups which often act as an important foil to buildings, especially in the Beach Road area.*

Impact on Brunel Manor

Turning to impact, the key buildings are identified as the existing Manor House, Brunel Lodge and Brunel Court and the Gardens and wider landscaping.

. The removal of the 20th century extensions will enhance Brunel Manor internally and externally. A number of the large existing rooms have been split into small bedrooms at the upper levels, abutting newer partition walls to windows which occasionally cut across multiple rooms. In places this has created compromised proportions for rooms and obstructed some of the existing coving and original features. Additional boxing around feature staircases, covering of tiled floors, commercial kitchen features have undermined the character and fabric of the building. The proposals for the Manor House look to strip these interventions back to reveal and repair existing key features and reinstate the grand architectural proportions.

The principle of the formation of new residential units is generally supported. The majority rely on removal of stud walls, various mechanical and electrical installations to enable the reformation of the original rooms. Bathroom pods have been proposed following a lengthy design process to ensure they are essentially removable whilst limiting the impact on the room proportions. Unit 4 in particular required a sensitive approach to gain access to the upper floor. The pods are designed to be a light touch intervention, ensuring there is no damage to the historic coving or skirting where they meet with sensitively scribed detail around the timber or plaster profiles. A 10mm offset is proposed which intersects with a shadow gap, elevating the design of the insertion and ensuring the modern intervention does not damage the historic fittings. The impact of the internal works is fully supported.

The proposals include the removal of some original internal partitions and service staircases, but these losses have been mostly kept to the service wing and have been kept to a minimum. This has been necessitated by the existing layouts in this wing, accessed from corridors arranged around the historic kitchen and dining room, and with an odd arrangement of staircases to the upper floors. This cause some harm, as it will permanently remove the layout of some rooms. However, the key intact historic spaces within this range, specifically the kitchen and dining room with bedroom over the latter, will be retained and converted.

The proposals for Brunel Manor include both positive and negative elements. Much of the work is focused on the renovation of the Listed Building that has been vacant for nearly four years. There are a number of structural issues that need to be rectified through a viable long-term use for the building which is considered positive. The

Statement of Heritage Significance states that the overall the proposals would result in a negligible positive change to the significance of Brunel Manor.

The blind arcading in the north elevation of the ballroom/Rodenhurst Room is to be opened up and new glazed screens and doors added. Conditions have been suggested to ensure the details are at an appropriately high level.

For clarity, within the gardens there are two flights of steps with balustrades to south of Brunel Manor which are listed. There would be no alterations taking place only adjoining resurfacing. Repairs are also underway following anti-social behaviour issues. Given the sensitivities to this part of the site and the associated change around them as part of the development, a condition has been suggested to require the submission of a Method Statement to protect these important garden features.

The gate piers and walls at entrance to Brunel Manor are also listed but no alterations are included with this scheme, only sensitive repairs.

Historic England were consulted at pre-application stage. During the application they have provided two consultation responses. Clearly, there is support for the removal of the modern extensions. However, they are silent on the implications for Brunel Manor forming part of this listed building consent. Wider issues and concerns are considered in the Officer report for the listed building consent application.

The Victorian Society are supportive of the residential conversion of Brunel Manor, however, raise some concerns over the quantum of development. The insertion of 'pods' is a concern. This matter is discussed above and would be entirely reversible. The room proportions would still largely be read.

A number of conditions have been suggested to ensure the significance of the heritage asset is maintained and dealt with appropriately. These are considered proportionate whilst recognising the significance of the building:

- protect architectural features.
- materials.
- schedule of works.
- written scheme of investigation.
- police recommendations.
- joinery details.
- schedules of repair.
- matching details.

Conclusion on significance

In conclusion, as a Grade II Listed Building Brunel Manor is of 'national importance'. Its significance derives from its architectural, aesthetic, artistic, and historical values, as well as several aspects of its setting. Of these, its architectural and historical values are considered of most importance, but with the others also contributing to its

significance at a high level. Brunel Manor is also an important building locally. It is considered to be a heritage asset of high significance.

The setting of listed buildings

Early engagement through the pre-application advice process and DRP were critical in assessing where new development could be achieved whilst carefully considering the setting of Brunel Manor given the potential impact on its setting. The process considered the preservation of the formal and less formal parkland and gardens around the listed building. The valley topography of the house and its surrounding gardens therefore forms one part of its setting contributing to its significance.

It is clear that the later buildings and additions compromise the overall setting of Brunel Manor and their removal is fully supported.

In terms of the other listed structures within the site:

- The two flights of steps with balustrades to south of Brunel Manor will be retained and fully restored.
- Balustrades to south terrace of Brunel Manor also covers both the listed flights of steps and balustrades). The removal of the swimming pool will clearly have a positive impact on the setting of this feature. It will enable them to read clearly without interference from the poor quality built form.
- Gate piers and walls at entrance to Brunel Manor will remain unaltered. The only impact on setting of these structures are the changes to Brunel Lodge. The building will be brought back into a residential use, removing poor quality additions. The new build element will lie to the rear and will have a minimal impact on the setting of the piers.

Conclusion on impact on setting

The presence of the listed Manor, Brunel Court and Brunel Lodge, balustrades and stairs, piers, the Conservation Area, within the Registered Park and Garden means that due consideration must be given to the impact of the proposed development on the setting of these heritage assets. The Heritage Statement has demonstrated that there is no significant negative impact upon the setting of these assets by the proposed development.

Woodland Row

The lower part of the valley to the east of Brunel Manor, Woodland Row accommodates three stories terraced into the bank, to create a lower height of two storeys from the north. The topography allows them to be lower in the landscape than the ground level of Brunel Manor so they sit subserviently to the main house. The six units would be arranged in three blocks. This followed guidance advice from the DRP around a respect for the setting of Brunel Manor, assimilating with the wooded areas between the main house and the Teignmouth Road. The elevations change on each block, with stone used at all levels with a timber roofscape. Further into the woodland the units change to a timber block on a stone plinth.

Woodland Row will be within the setting of Brunel Manor but would blend into the woodland. It replaces the attached conference room and is beneficial both through the more respectful design (to both Brunel Manor and its grounds) and through the separation of the development from the Listed Building. It would be separated by the restored garden to the east of the house on the uppermost of the historic terraces.

Water Row

Similar to Woodland Row the layout and architectural treatment was developed into the final proposal following advice from Design Review Panel and Officers into a proposal which will result in a visual change to the existing landscape but one subordinate to the significance of Brunel Manor. The units have been designed to fit in at the same roof height as existing development of Seymour Drive, forming low units respecting the topography to the north of Brunel Manor.

Water Row is also in the setting of Brunel Manor but not within the key views. It will be visible in the approach by vehicles but will be partially shielded by the trees above and to the north of the approach to Brunel Manor. Car parking has been sensitively located. This includes pulling spaces away from the entrance to Brunel Manor and enhancing the final approach to the building, removal parking from within the yard of Brunel Court, reusing the open parking area within the woodland, and creating smaller blocks of parking elsewhere including within wooded areas reducing their visibility in the local landscape.

Brunel Lodge

It is proposed to remove the two north west extensions, the south east extension, and the range of outbuildings and to replace them with a single one and two storey northwest extension. This is to be constructed of rubblestone on the ground floor with timber cladding to the first floor. This will create a clear architectural distinction between the primary lodge building and the new extension whilst using materials that are in keeping with the character of the buildings on site. The location of the extension to the rear of the lodge with a change in roof level so it drops down to a single storey on the southwest side makes it subservient in key views of the lodge from the southeast and southwest. It is also proposed to reinstate the veranda on the main façade. This has been designed in the style of the historic veranda as recorded in old photographs and drawings of the house. This will restore this element of the house and its garden improving its aesthetics and setting.

This element of the scheme will remove the extensions and restore the main façade through the reinstatement of the windows and veranda. The proposals also include the removal of primary (mainly internal) walls and outbuildings, although the boundary wall element of the latter is to be retained. Their loss is mitigated by the benefits of the scheme which will result in the reversal of damaging late 20th century changes including the removal of the veranda and construction of the southeast extension.

Brunel Court

It is proposed to remove the late 20th-century extension and alter the roof through the removal of the existing roof lanterns and the introduction of several dormers and skylights. The existing infilling within the large primary openings is to be replaced with glazed screens and timber doors that better reflect the form of the former openings.

Seven units are to be created within the court which are all two stories in height. All the late 20th-century partitions and stairs are to be removed and partitions and stairs added to create the new residential layout. The proposals do not impact any of the primary internal partitions, but it will be necessary to create new openings within the external primary walls particularly to the northwest and southwest. The fenestration of these new openings has been designed to match those existing in the other elevations.

The scheme for Brunel Court will remove the various late 20th-century additions and introduce elements more sympathetic to the character of the building. The proposals do include the introduction of new roof lights and openings to the primary external walls, but this is necessary to provide natural light into the units. Overall, the proposals will result in a negligible positive change to the significance of Brunel Court.

In terms of below ground archaeology, the Heritage Assessment is largely silent on potential below ground archaeological remains. A condition has been suggested to require the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. This needs to be a pre-commencement condition to ensure that the impacts of construction on potential below ground heritage assets are mitigated from the outset of development.

The above conclusion has consideration of Paragraph 205 of the NPPF which identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Historic Park and Garden and Watcombe Park Conservation Area

The application area forms a small part of the gardens and parkland of Watcombe Park, and is located within two larger designated areas, the Watcombe Park and Brunel Manor Registered Park and Garden and the Watcombe Park Conservation Area. These designated areas are heritage assets of high significance. The application area includes built and landscape elements that contribute highly to their significance. The scheme includes elements whose impact is either neutral or positive to the character of the gardens and parkland around Brunel Manor. In conclusion, when considered as a whole, the scheme results in a minor positive change to the

significance of these grounds and the designated areas within which the application area is located.

Historic England and Victorian Society comments

It is important to return to the comments from Historic England who sought amendments to the Woodland Row and Water Row elements of the proposals that address the negative impact that their proposed design, form and massing would have on the Conservation Area, registered landscape and the setting of Brunel Manor.

Victorian Society also maintained the view that the design of both the Woodland Row and Water Row are incongruous with the character of Brunel House, and do not adequately reference the aesthetic and architectural form of Brunel Manor. The rectangular, modular form and flat roofs of the Woodland Row proposals are unsympathetic to the form and roofline of Brunel Manor. The use of pink limestone in the Woodland Row proposals.

As discussed previously, the Design Review Panel response clearly guided the design evolution of the proposals. The option for a traditional design response were discounted at an early stage, with the proposed modern architectural form is seen as a more honest and appropriate response. Although it does not directly replicate that of Brunel Manor, the submitted information clearly shows that it draws inspiration from the architecture within a new and modern composition. The design is not intended to compete with it but draw on various core elements. These reference the building and landscape whilst appreciating that they are from a different time with new building technologies and resources.

The Victorian Society also refer to the impact of cars within the site. There is already an existing vehicle route running from Teignmouth Road west to east. Water Row would include parking and a vehicle route through the woodland to the new dwellings. This would be separated from Brunel Manor by topography and dense vegetation. The new circular spaces at the entrance serving the site would also be enclosed within woodland. The route to the north of Woodland Row would be constructed of permeable blocks which would assimilate within the landscape effectively. Although there would be an increase in vehicle movements, this is considered modest given the quantum of development and screening.

Statutory requirements

These conclusions have taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority, when making a decision on any decision on a planning application for development that affects a listed building or its setting, to pay 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 in relation to any buildings or other land in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The proposal is considered to be in accordance with Policies DE1, and SS10 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

5. Landscape Character and Trees

Relevant policies of the Torbay Local Plan are C4, C5 and SS9. Policy SS9 seeks to protect and provide high quality green space at a local level and mitigate for any loss of habitat and maintain existing and contribute to new tree planting and woodland creation.

Policy C4 sets out that development will not be permitted when 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. Where the loss of, or impact on trees, hedgerows or landscape features is considered acceptable as part of development, replacement and other mitigation measures will be required through planning condition or legal agreement. These measures should at least off-set any such harm, and preferably achieve landscape and biodiversity improvements, and make provision for on-going management. 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 area surrounding the west, south and east of Brunel Manor is designated as Local Green Space in Torquay Neighbourhood Plan. It forms part of the St Marychurch & District Community Partnership area, with an overarching objective to enhance the unique nature and history of each area by protection and preservation of valuable architecture and existing greenspaces.

Under the heading 'Environment' there is a community aspiration to protect all green open spaces from greenfield development, and under 'Housing,' to see that any redevelopment is carried out in an appropriate style and scale, without adverse impact on neighbours in the immediate environment or the area as a whole.

The plan identifies the site as 'Brunel Manor Gardens & Grounds' Local Green Space (LGS) (ref. TLGSM2). Policy TE2 of Torquay Neighbourhood Plan rules out development in these spaces, other than in very special circumstances. These special circumstances include: *'...minor improvements to community access, or facilities that support their use for public recreation... or development allowing reasonable small extensions in a style that reflects the setting and the local area which would be consistent with the LGS designation.'*

In defining its special significance to the local community, the evidence base ('Basic Conditions Statement') notes that: *Today Brunel Manor is a Christian retreat, but its grounds are still open to visitors and local residents. The gardens are maintained professionally, and this magnificent environment adds greatly to the purpose of the retreat. The immediate mature woodland area includes a children's play area with tree swings and climbing equipment. The Christian retreat closed in 2021 and its grounds are not open to the public.*

In Paragraph 105 of the NPPF it states that: *'Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.'*

Paragraph 106 (b) of the NPPF states that Local Green Space designation should only be used when the green space is *'demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.'*

Policy TE4 of Torquay Neighbourhood Plan states that: *Greenfield development should, where deliverable and viable, support the provision and/or enhancement of green infrastructure through the provision of green corridors and/or links to existing green infrastructure, to facilitate the natural movement of wildlife.*

The proposals would marginally decrease the extent of the green open space where the easternmost new houses extend beyond the footprint of the extension to Brunel Manor, which would be balanced by the management of the green space and the removal of the swimming pool. To conclude, Torquay Neighbourhood Forum have assessed that the proposal would have no adverse impact on the LGS.

As discussed previously in this report, the landscaped grounds would form new highly, managed public open space. Access would be from the north from Seymour Drive and to the south via Brunel Avenue. This is seen as a significant benefit of the scheme in terms of quality landscape, combined with restoration and a new management regime which could be accessed by the public.

Policy C5 of the Local Plan relates to Urban Landscape Protection Areas (ULPAs) and lists a series of ULPAs, including Watcombe Park and Watcombe Heights. The site forms the northern extents of this UPLA. The policy states that Development within ULPAs will only be permitted where:

- 1. It does not undermine the value of the ULPA as an open or landscaped feature within the urban area; and*
- 2. It makes a positive contribution to the urban environment and enhances the landscape character of the ULPA.*

Whilst Policy C5 does not preclude all development in these locations, it is necessary to demonstrate that the quality of these areas is retained if it were to take place. The ULPA would remain open with a significant level of landscape restoration. Vistas and routes are proposed to be opened and improved. The siting, scale and architectural design of the new build is landscape led and will complement both the existing Manor and the surrounding area. The demolition of the 20th century additions and building makes a significant positive impact on the ULPA.

The application is supported several tree and landscape reports:

- Survey and constraints.
- Tree removal plans.
- Arboriculture impact report.
- Tree impact assessment.

- Restoration Strategy.

There are a number of significant mature trees within and around the site. There are several Tree Preservation Order(s) across the site including:

- TPO 2007.001 Brunel Manor Stables.
- TPO 2007.002 South of Brunel Court.
- TPO 2007.003 Brunel Manor.
- The site is within the Watcombe Park Conservation Area.
- The site is listed on the Historic England Register of Parks and Gardens of Special Historic Interest.

Mature trees, predominantly as large areas of planted woodland, are a dominant feature of the area, including the site, the adjacent Brunel Woods to the south and west, and around the periphery of housing to the west and east. Designed 'woodland gardens', featuring varied and often exotic trees, form the eastern and western valley sides extending south from the manor. These are extant features of the mid-19th century designed estate and form the skyline and frame views from open areas within the site. Away from the designed slopes, woodland is more open and subject to natural regeneration, with a greater presence of native species.

The formal gardens immediately to the south and west of the manor are similarly part of the originally designed gardens, with ornamental planting and specimen trees and shrubs.

The submitted tree survey recorded 23 individual trees, 9 tree groups and 8 woodland groups (including a subgroup, W1a). Of the individual trees, 4 were identified as high quality (category A), 12 as moderate quality (category B), 4 of low quality (category C) and five as unsuitable for retention (category U). Of the tree groups, none were identified as category A, 2 as category B and 1 as category U, 3 as a mixture of B and C, 2 as a mixture of C and U and 1 as a mixture of B and U. Of the woodland groups and subgroup, none were identified as A, C or U, 4 were identified as B and 5 were identified as a mixture of B and C.

In order to accommodate the development and for safety reasons, it is estimated that there would be the loss of some trees close to the building footprint, although the development has been designed to minimise tree loss. Those trees are all category U, and consist of T2 horse chestnut, T8 Corsican pine, T16 Cypress, T20 and T21 Western red cedar, and Ash from group 3 and Turkey oak from group 7.

There would be 19 individual trees removed in total and 9 as part of tree groups. The tree removal would be the first stage of renewal and diversification of the woodland on the site, arresting the long-term decline by producing and implementing a woodland management plan, conditioned as part of this application. It would be part of an overall management plan for the entire site, including specific actions during set time periods as well as monitoring and review of progress and effectiveness of the plan. The plan would set out the baseline at the time of its implementation, its aims and objectives, method statements to implement the work and a programme which would reflect priorities and phases of work, such as new planting, tree remediation works and maintenance operations with an agreed programme, subject to seasonal requirements.

One of the critical comments from the Council's Arboriculturist was the loss of the tree indicated as G8 – 3 Holm Oaks which occupy the space to the south of the access road opposite the junction serving Brunel Court. The loss of this tree group would lead to the loss of mature trees on the site, however suggested conditions around survey, retention and protection has been agreed by the Arboriculturist to resolve the issue.

New planting proposed within the site would be of appropriate species, in character with the intentions of the C19th designed landscape whilst providing biodiversity benefits through management and planting. Consequently, any tree loss would be more than compensated for by the implementation of the management plan.

The submitted LVA confirms that the proposal would provide *"...a unique opportunity to reverse the decline of the Brunel landscape. Although some restoration was undertaken by the previous owners, the current proposals offer the potential for enhancement and further strengthening of the structure and fabric of the designed landscape..."*

The LVA concludes that:

"There would be no clear views of the development from outside of the site owing to the careful siting of the new properties and the strong framework of trees, reinforced by topography.

As well as the implementation of a management plan, a comprehensive scheme of detailed landscape design based on the unique setting and character of the site, would be prepared for the setting of the new houses and Brunel Manor. It would be underpinned by a long-term Landscape Management Plan, which would ensure the retention and enhancement of the landscape of the site."

The submitted Restoration Strategy includes a range of objectives and an outline management plan. Accordance with the Strategy has been suggested in the conditions below. The main aim of the objectives are:

- securing the long-term future of the historic landscape,
- integrating new development into its landscape setting, retention and management of the woodland,
- ensure the safety and security of those using the site, including provision and maintenance of trees and access,
- reinstate and enhance heritage landscape features, replicate the historic landscape character, and enhance the setting of the listed buildings,
- provide opportunities for informal recreation.

The submitted Arboricultural Impact Assessment provides an assessment of existing conditions on site and is accompanied by plans relating to tree impact, removal and protection. The AIA has been informed by historic records and on site assessment of existing conditions which have informed the final detailed proposal. The AIA concludes that: *"Impacts on trees have been appropriately avoided and minimised, such that the proposal offers a long-term gain in sustainable tree cover, and therefore the overall impact on trees is positive."*

The Council's Arboriculturist has no objection in principle, subject to the use of pre-commencement conditions to technical design for the access to the three parking spaces to Water Row are submitted and agreed in writing. Further conditions are suggested to require details of new tree planting, tree specification, Tree Protection Plan and LEMP. The loss of trees is only considered acceptable subject to replacement planting (in type, extent and scale) adequate to off-set harm and to achieve long term landscape improvements.

Therefore, with the addition of the suggested conditions, the proposal is considered to accord with Policy C4, C5 and SS9 of the Local Plan and Policies TE2 and TE4 of the Torquay Neighbourhood Plan.

6. Impact on Residential Amenity

Paragraph 130 of the NPPF requires developments with a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity for neighbouring occupiers. Policy THW4 of the Torquay Neighbourhood Plan seeks an amenity space provision for residential units of 10sqm per flat provided as private space or communal space.

Neighbouring Occupiers

There are residential properties to the north and west, and within the site area. Those to the west are on Kingsgate Close which runs parallel with the site boundary. These properties are separated by a dense and mature landscape edge which would screen the area from the development site.

To the north, Seymour Drive runs parallel to the boundary. There are five properties to the south side of the highway and a row of detached properties to the north side. The footpath that connects with this residential area runs past 43 Seymour Drive. This property is set low down into the landscape and would be the only property affected by the development within this part of the site. The existing part of the site is the former tennis court which would be replaced by three new dwellings which have been designed to minimise the impact on the property.

A new vehicular access will run east to west connecting the three new houses to the access road and further parking spaces within the site. This will be screened by dense vegetation and the boundary treatment separating the site from the footpath. It is therefore not considered to impact amenity of the neighbouring residents.

The Brunel Court residential conversion would not impact on the Seymour Drive residents at the east end. 10 new parking spaces are proposed however, these again will be separated by the existing boundary treatment and mature vegetation. Vehicles already enter this area, and the impact is considered minimal.

There is an existing property known as Carousel embedded within the wider site to the north east. The impact on amenity from the proposed development is considered to be minimum. That said, it is recognised these proposals and associated works are a

relatively large scale and conditions have been suggested to secure a CMP in order to control the timing of deliveries and impacts of construction activities.

There are a range of properties opposite the entrance of the site on Teignmouth Road. In terms of residential amenity there are not considered to be any impacts other than potential during the construction period. This matter is covered above.

The development would include demolition, ground works, vegetation and new build. It would be appropriate to manage this change through the following suggested conditions:

- Construction Method Statement.
- Construction and Environmental Management Plan (CEMP).

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

Future Occupiers

A Health Impact Assessment has been submitted in support of the application. Policy SC1 of the Local Plan includes a requirement for a screening for Health Impact Assessment (HIA) to be undertaken for development proposals of 30 or more dwellings or where over 1000 m² of floor space is created. The proposed development falls within this requirement. It is evident that there are significant areas of open, green space on the site, with links to the west and south to other local areas and facilities. The proposal secures the long term future for the designated heritage asset and surrounding buildings. As discussed in Section 2 of this report, the proposal will create local, specialised construction jobs, increase local spend in the area.

In terms of 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 household developments. The aspiration is to secure good level of amenity for future residents.

The development proposes a variety of dwelling types. All are well spaced and provide good natural lighting to key habitable rooms and good outlooks. Internal privacy is offered with adequate back-to-back distances between dwellings or outlooks to landscaped borders. There will be some natural overlooking of gardens, but this is commonplace within residential environments and there are no unacceptable, such as overly dominant, relationships. In terms of the internal living spaces all dwellings meet the national internal living spaces standards that are within the Development Plan (Policy DE3) and support the concept of producing, in the round, a satisfactory level of amenity for future occupiers. Each dwelling would have adequate amenity space that exceeds the 55sqm expected within the Development Plan. Besides which there would be access to the fully restored gardens surrounding the site.

In terms of ancillary elements of parking, cycle parking and waste storage the following is considered. The applicant has provided a range of updated information regarding these elements:

- an updated site plan showing a total of 56 cycle parking spaces for the proposed development, the proposed cycle parking appears to be located in secure bike stores. This quantum is in line with the requirements set out in Appendix F of the Torbay Local Plan.
- the proposal includes a total of 68 car parking spaces, 22 of which are for visitors. 35 of these spaces will include electric vehicle charging points. This is considered acceptable and supported by Appendix F of Torbay Local Plan.
- A waste management strategy has been submitted and is considered acceptable.

It is proposed that refuse collections will be undertaken by a private contractor. This is considered acceptable. However, should Torbay Council in their role as Waste Collection Authority (WCA) be requested to collect recycling and waste from the site in the future, there will be legal obligation for them to do so. Therefore, a condition has been suggested to require the submission of a full Waste Management Strategy.

The applicant should note that Torbay Council refuse vehicles will not service unadopted highway networks and thus will be required to confirm the extent of the site that will be offered for adoption as Highway Maintainable at Public Expense (HMPE). Collections taken from the A379, understood to be the nearest extent of existing public highway, would not be acceptable and therefore the internal site layout must be designed to adoptable standards. A condition has been suggested to ensure the access road is at an appropriate standard.

The applicant has submitted a swept path analysis (ref. SP01 and SP02) to illustrate a refuse vehicle and a fire appliance accessing and egressing the site. This indicates that a refuse vehicle will be able to access the proposed communal bin store and to turn and egress in a forward gear.

It is noted that access for refuse vehicles should adhere to regulations contained within Schedule 1, Part H of the Building Regulations (2015). Residents should not be expected to carry waste more than 30m to the collection point and refuse collection vehicles should be able to get within 25m of any storage points. Whilst a management strategy is proposed to transfer waste from smaller bins to the communal bin store on collection days, the plans have been amended to show that the proposed bin store location will no longer exceed maximum carry distance prescribed by the Building Regulations should the WCA be requested to collect recycling and waste during the operational life of the development.

The Waste Team manager also considered that although the width of the current road is adequate, in some areas the trees and vegetation are overgrown and overhanging

the route. The application includes extension landscape and tree restoration works which will include the management of vegetation adjacent the route.

All these matters combined present good quality living spaces throughout the development. Subject to conditions as suggested the proposed residential environment is considered acceptable for all future users and would accord with Policies SS11, DE1 and DE3 of the Local Plan, Policy THW4 of the Neighbourhood Plan., and advice contained within the NPPF regarding creating good quality living environments.

7. Access, Impact on Highway Safety and Parking

Paragraph 114 of the NPPF guides that in assessing specific applications for development it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 115 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TA1 of the Local Plan seeks sustainable transportation with priority for travel by foot, cycle, public transport, and other sustainable means (e.g. car sharing and low emission vehicles). It aims to improve road safety and minimise conflict between road users. This seeks connectivity for footpaths, cycle routes and bus services.

Policy TA2 of the Local Plan states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 and Appendix F of the Local Plan states the minimum dimensions for parking spaces, including garages. Policy TH9 of the Neighbourhood Plan states that all housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking resulting from the development.

The site is located on the north-eastern edge of Torquay and existing vehicular, pedestrian and cycle access to the site is currently achieved through an existing priority-controlled junction with Teignmouth Road.

The closest northbound bus stop to the site is located on Teignmouth Road, directly adjacent to the access to the site. The southbound bus stop is located approximately 100m to the north of the site access. These stops are serviced by the hourly 22 service

providing connections to Torquay, South Devon College and Torquay Coach Station. A further bus stop on Padacre Road approximately 700m west of the site serves route 31 providing connections to Torquay every 20 minutes. The existing northbound bus stop on Teignmouth Road is currently provided with a flagpole and a small area of hardstanding. Its current arrangement is considered inadequate and does not support access for disabled users.

There is no existing off highway bus stop on Teignmouth Road. Buses currently stop on the highway or pull in to the entrance to Brunel Manor. The applicant investigated the provision of a full or half width size layby following concerns around the road safety concerns. The applicant or Local Highway Authority are not in control of the land in this area is to remain as existing which is considered to be acceptable to the LHA. That said, the applicant proposes provision of a bus shelter which is controlled by a suggested condition.

The retention of the existing vehicular access to the site from Teignmouth Road is considered acceptable.

The applicant has undertaken a comparative trip generation, utilising the TRICS database, for the extant and proposed uses of the site. The TRICS selection parameters are considered acceptable. Table 5.3. of the submitted Transport Statement identifies a two-way reduction in vehicular trips of 11 and 12 in the AM and PM peaks respectively when comparing the operation of the extant and proposed uses of the site.

The Local Highway Authority also previously raised concerns about the connection between the newly proposed uncontrolled pedestrian crossing and the existing southbound bus stop on A379 Teignmouth Road. The applicant has now updated Drawing No. 2106-015-SK04 Rev A which is included in Appendix A of the Transport Technical Note to show an upgraded 2m wide footway in this location, connecting the crossing to the southbound bus stop. This is considered acceptable and is controlled by a suggested condition. This does to some extent respond to the concern from Torquay Neighbourhood Forum (Policy TR2) who commented on the current access arrangements.

The Local Highway Authority consider it essential to promote the delivery of a suitable and safe pedestrian/cycle route, from the site to local facilities, without having to use the A379 due to the absence of pedestrian provisions. It is noted that a walking/cycling connection is proposed via the existing path to the north of the site which essentially connects Teignmouth Road to Seymour Drive. The Highway Authority seek to ensure that this existing path is maintained for the lifetime of the development. A 'Movement Strategy' has been submitted showing improved connectivity to Seymour Drive and to the south along the western boundary of the site. This would provide access to existing pathways to Brunel Avenue. A condition is suggested to ensure this route within the site is available for the lifetime of the development. This does to some extent respond

to the concern from Torquay Neighbourhood Forum (Policy TTR2) who commented on the distance to work, education, recreation and shopping.

Appendix F of the Local Plan requires two car parking spaces (of which one should provide electric vehicle charging infrastructure) and two cycle parking spaces should be provided per dwelling. Appendix F of the Local Plan requires one car parking space (of which 20% should provide electric vehicle charging infrastructure) and one cycle parking space should be provided per flat.

In terms of cycle parking and car parking:

- an updated site plan showing a total of 56 cycle parking spaces for the proposed development, the proposed cycle parking appears to be located in secure bike stores. This quantum is in line with the requirements set out in Appendix F of the Torbay Local Plan.
- the proposal includes a total of 68 car parking spaces, 22 of which are for visitors. 35 of these spaces will include electric vehicle charging points. This is considered acceptable and supported by Appendix F of the Local Plan.

The following conditions are suggested:

- Details of parking layouts and construction
- Management and maintenance of roads
- Parking management plan
- Pedestrian link
- Hard landscaping

Conclusion

The pedestrian movement, legibility, vehicle access and car parking proposals are acceptable. Improvements to non-car access to the site have evolved over the course of the application. The proposed development, subject to the recommended conditions and Section 106 obligations is considered acceptable with regards to Policies TA1, TA2 and TA3 of the Local Plan and Policy TTR2 and TR2 of the Neighbourhood Plan.

8. Ecology and Biodiversity

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

In summary, the site:

- lies approx. 820m west of Lyme Bay and Torbay Special Area of Conservation (SAC).
- borders Brunel Woods Other Sites of Wildlife Interest (OSWI) to the south and west of the site.

The Devon County Council Ecologist has no objection and has commented as follows:

The loft and roof space within Brunel Manor had evidence of bats. The majority are to be retained and as the bats would be undisturbed the bats would be left in situ. A section of loft space to form apartment 15 contains a brown long eared bat roost. This is a common species and are considered of low conservation value and therefore, the proposed works will result in an adverse impact at no more than the local level. However, as these works require a licence, would be an offence under UK legislation, the site will require consultation with Natural England concerning a European Protected Species (EPS) Mitigation Licence (Bats).

The Ecologist has also stated that as the Biodiversity Net Gain metric has been completed correctly it appears that a 100% net gain can be achieved within red and blue line boundary. This matter will also be dealt with through the Section 106.

To ensure acceptability in terms of ecology and biodiversity a number of conditions have been suggested below:

- LEMP.
- No works during bird nesting season.
- Biodiversity enhancement.
- Landscaping scheme.
- Lighting Strategy.

Subject to the addition of suggested conditions and informatives, the proposal is therefore deemed to comply with Policies NC1 and C4 of the Local Plan.

9. Flood Risk and Drainage

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

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

In terms of drainage, the scheme evolved during the application process. The application has been supported by a variety of updated and additional information:

- An updated Flood Risk Assessment.
- Surface Water Drainage survey drawings.
- Attenuation Tank details.
- Surface Water Network Drawings.

The original FRA proposed the use soakaways and permeable paving. The permeability tests were concluded to be insufficient. Given the topography of the site it was clear that the additional information above was required. The infiltration testing that was been carried out was insufficient to identify whether the use of soakaways would be viable on the site. The applicant proposed to respond by discharging water

to the existing on site combined sewer system, in two networks and by using attenuation tanks.

The Council's Drainage Team has been consulted and has no objections subject to the development being implemented in accordance with the submitted scheme. It is recommended that compliance with the submitted FRA be secured by condition.

The proposal is therefore considered to accord with Policy ER1 of the Local Plan and the guidance contained in the NPPF.

10. Recycling, Waste, Sustainability, Low Carbon

The NPPF guides that the planning system should support the transition to a low carbon future in a changing climate, including helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy and associated infrastructure (Paragraph 157).

Policy SS14 of the Torbay Local Plan supports national guidance and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 of the Local Plan 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.

Section 13 of the Design and Access Statement submitted in support of the proposal includes sections on Designing for the climate crisis, sustainability and wellbeing principles, construction and cladding methods. An Energy and Sustainability Report has also been produced.

Primarily there are benefits to the retention of an historic range of buildings and their renovation. The removal of poor quality buildings and structures are fully justified in heritage terms, but also when considering the structure issues in some cases. There is also a large body of evidence around the benefits of retained and restored timber windows if functioning correctly.

The scheme improves the pedestrian legibility and movement in and around the site. Three ranges of cycle stores are proposed as well as EV car and bike charging points.

The proposals aim for Net Zero Carbon, through highly insulated and efficient new buildings. The proposals include high quality materials to ensure longevity of the scheme. Adaptability and flexibility are a key part of the proposals by the allowance for living spaces to be reduced to a single, accessible level with small adaptations.

Provision for the use of the existing lift would further increase this flexibility, allowing use of the lower ground floor gardens or upper floors with minor interventions. The proposals also allow for adaptability of the building fabric to incorporate modern energy

generation solutions of the future, such as more efficient air source heat pumps or solar grids on the roofscapes.

Sensitive restoration of the Manor House means it is not possible to insulate to the same levels on a historic property, but the energy generation proposals can provide highly efficient living spaces.

Key interventions also include a combination of (where appropriate)::

- Solar PV panels
- Rainwater harvesting
- Air source and ground source heat pumps
- Some re-use of timber during construction.
- The use of natural stone clay blocks, glass reinforced concrete and cross laminated timber.
- Advanced glazing systems.
- Impermeable surfaces are to be replaced with more natural materials.
- Green roofs also contribute to reducing run-off and easing pressure on drainage systems.

Given the scale of development a condition requiring the submission of a Waste Management Plan condition is suggested. This would include measures which would prevent and minimise, re-use and recycle waste generated by the development. This will ensure a sustainable approach to construction of the development and reducing the amount of waste generated by the development of the site further to Policy W3 of the Local Plan. A further Energy renewables condition is also suggested to ensure details are submitted and approved in writing in accordance with Policies ES1, ES2 and DE1 of the Local Plan.

Subject to suggested conditions, the proposal is therefore deemed to comply with Policies SS14 and ES1 of the Local Plan and policies in the NPPF.

11. Designing Out Crime

Policy SS11 of the Local Plan seeks that development proposals should help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.

Policy DE1.4 of the Torbay Local Plan seeks development proposals to be designed to reduce crime and the fear of crime by the promotion of safety and security in the design of buildings and surrounding space, whilst ensuring that amenities are not unduly affected. Design should also minimise opportunities for community conflict, antisocial behaviour and maximise safety for all.

Comments from Devon and Cornwall Police included the recommendation for the use of door entry security and lobby where necessary. A condition has been suggested to manage the security given any system would need to be fixed to the fabric of the listed building. This requires careful examination and execution to minimise its impact. The

formation of lobbies could have an impact on room layout and historic proportions and has been omitted from the scheme and conditions.

Subject to a suggested condition, the proposal is therefore deemed to comply with Policies SS11 and DE1 of the Local Plan and policies in the NPPF.

Sustainability

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

The Economic Role

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.

Once the residential units are 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.

The building has been vacant for a number of years and this development would it back to full residential use.

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 additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwelling to be provided must carry significant weight in this balance.

There would be a detrimental impact on local services i.e. schools, Doctors surgeries etc, however this can be mitigated via Section 106 contributions.

The provision of housing would provide an appropriate use and offer units within a sustainable location. On balance, the social impacts of the development weigh in favour of the development.

The Environmental Role

The environmental benefits of this development are considered positive. It provides a long-term use for buildings that has embodied energy within their fabric.

With respect to the environmental role of sustainable development, the elements that are considered especially relevant to the proposed development are impacts on

heritage assets, trees, ecology and biodiversity, drainage and carbon reduction. These matters have been considered in detail above.

In respect of the environmental element of sustainable development the balance is in favour of the development.

Sustainability Conclusion

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

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:

Floorspace in sq.m	Below 60sq.m	60-79 sq.m	80-108 sq.m	109+ sq.m	Total
Number of units on site	1	6	7	21	35 Units
Sustainable transport	£860	£1,075	£1,290	£1,398	£45,698
Education (secondary)	£0	£2,893	£3,623	£4,327	£133,586
Education (post16)	£0	£1,199	£1,434	£1,694	£52,806
Education (SEN)	£0	£3,145	£3,977	£4,717	£145,766
Lifelong learning	£157	£214	£292	£337	£9,402

Waste management	£162	£162	£162	£162	£5,670
Public open space					£41,715
					£392,928
Monitoring @5%					£19,646
Total					£412,574

Other site related costs include Legal fees and Biodiversity Net gain within the blue boundary of the site.

The NHS has sought contributions for healthcare. The Planning Contributions and Affordable Housing SPD (December 2022) support these where development is not on an allocated Local Plan site. This applies to the current application and the NHS Primary Care contribution is calculated as £21,734.

CIL:

Brunel Manor is in CIL Charging Zone 3 and “Residential schemes of 15 or more dwellings within Charging Zone 3 will not be charged CIL. Although the proposal is more than 15 dwellings, there is no increase in floorspace and it is currently vacant. Therefore, obligations for education, lifelong learning, open space, sustainable transport and waste management fall to be delivered through S106 Obligations as above.

Affordable housing:

Vacant Building Credit was debated during the application process with the applicant’s solicitor, Clarke Wilmott submitting a legal opinion stating that VBC applies. For clarity, the Woodlands House of Prayer Church vacated the building in May 2021. They were a charity and operated on a not for profit basis, using voluntary staff. The property was subject to marketing and there is no evidence to suggest that the property was vacated solely for the purposes of redevelopment.

VBC may reduce the delivery of affordable housing, which is the type of housing most needed in Torbay. But this is a consequence of the widely supported policy of prioritising brownfield development and the reuse of buildings. It will assist the general supply of housing.

The application entails significant amounts of building restoration and woodland management, as well as the improvement of walking and cycling routes in the area. These are likely to be the most important planning considerations in view of the numerous designations relating to Brunel Manor and its grounds. Therefore, there is a policy case to apply VBC and not seek affordable housing on the site.

EIA/HRA

EIA

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development. The development does not meet the thresholds for screening and is not in a sensitive area.

HRA

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

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC and a formal HRA screening is not necessary in this instance as the proposed development is unlikely to have a significant effect on the South Hams SAC.

Planning Balance

This report considers the key planning issues, the merits of the proposal and development plan policies.

When taking account of the Government's objective of significantly boosting the supply of homes and the role of the construction industry in supporting economic growth, along with the acknowledged important contribution that sites can make to meeting the housing requirement of an area and the Council's housing land supply situation, the cumulative public benefits of the proposed scheme attract significant weight. The environmental weight through the heritage benefits, provision of public open space and landscape restoration are equally of significant public benefit.

Conclusions and Reasons for Decision

There are demonstrable public benefits that weigh in favour of the scheme, notably housing provision, bringing a vacant listed building back into use, landscape restoration and a range of quality soft landscaping and public access to local green infrastructure.

The residential environment for future occupiers is acceptable and there are no unacceptable impacts upon the amenity of adjacent occupiers.

Ecology matters are resolved in terms of protected species, habitats and biodiversity net gain aspirations.

Flood risk will not be increased, subject to the accordance to the submitted detailed design information for the surface water management system.

The internal road and footpath network, and its connectivity, are considered acceptable.

The rigorous pre-application process and early engagement has ensured that layout, architectural design and appearance of the scheme are considered acceptable. A number of representations have been received as part of the pre-application

engagement and application consultation regarding these issues. However, the architectural treatment and scale of development are considered appropriate.

When considered as a whole the proposed development is deemed to represent sustainable development and is acceptable, having regard to the Local Plan, the 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, or where for housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

There are no impacts on protected areas or assets of particular importance to provide a clear reasoning for refusal when considering the scheme in the round and the public benefits noted.

As such is it recommended that planning permission be approved.

Officer Recommendation

Approval subject to:

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

Conditions

Pre-commencement conditions

1. Phasing Plan

Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out the phases of the development and how the development will be implemented in relation to an agreed timetable of works. The phasing plan shall include:

- (i) site excavations;
- (ii) building construction;
- (iii) provision of car parking for each phase;
- (iv) vegetation and tree removal;

- (v) provision of on-site planting for each phase and;
- (vi) road and pathway construction within the site.

The development shall be carried out in accordance with approved phasing plan.

Reason: To ensure the development is constructed in a timely manner and satisfactorily completed to meet the requirements of the Torbay Local Plan 2012-2030.

This needs to be a pre-commencement condition to ensure that the development is constructed in a timely manner from the outset of development.

2. Construction Method Statement

No development (including demolition, ground works and vegetation clearance) shall take place of any phase of the development until a Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- (i) The parking of vehicles of site operatives and visitors and access routes for vehicles and plant within the site
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- (v) Wheel washing facilities
- (vi) Measures to control the emission of dust and dirt during construction.
- (vii) A scheme for recycling/ disposing of waste resulting from construction works with priority given to reuse of building materials on site wherever practicable.
- (viii) Measures to minimise noise nuisance to neighbours from plant and machinery.
- (ix) Construction working hours shall be from 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

The approved Statements shall be adhered to throughout the construction period of the phase of the development that they relate to.

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 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.

3. Construction and Environmental Management Plan (CEMP)

No development (including demolition, ground works and vegetation clearance) shall take place for any phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. Each CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- (i) Risk assessment of potentially damaging construction activities
- (ii) Identification of biodiversity protection zones
- (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce environmental impacts during construction
- (iv) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- (v) The times during construction when specialist ecologist need to be present on site to monitor works to ensure compliance with the CEMP and the actions that will be undertaken.
- (vi) Responsible persons and lines of communication
- (vii) The role and responsibilities on site of an ecological clerk of works or similarly competent person
- (viii) Details of how lighting will be controlled during the construction phase of development.

Each approved CEMP shall be adhered to and implemented throughout the construction period of the phase of development to which it relates, strictly in accordance with the approved details.

Reason: To ensure that all retained habitats, trees, hedges and new planting on the site are adequately protected before the construction of the development commences and while it is in progress, in accordance with Policies C4 and NC1 of the Torbay Local Plan 2012-2030 and the National Planning Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on biodiversity and habitats are mitigated from the outset of development.

4. Flood Risk Assessment (FRA)

No phase of the development shall commence until the detailed surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage design shall be in accordance with the principles established in the approved FRA (J-2918 3003D) or other such details to be agreed.

The drainage scheme shall:

- (i) give priority to the use of sustainable urban drainage systems and include details of how they have been designed to cater for the 1 in 100 critical rainfall event plus an allowance for climate change
- (ii) Provide evidence that trial holes and infiltration test have been carried out

- (iii) Demonstrate that there will be no increased risk of flooding to surrounding buildings roads and land.

No phase of the development shall be occupied or brought into use until the approved surface water drainage scheme for that phase has been completed as approved and shall be continually maintained as such thereafter.

Reason: In the interests of securing a satisfactory drainage scheme prior to commencement of the development that adapts to climate change and manages flood risks on the site and in the vicinity further to Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on flood risk and drainage are mitigated from the outset of development.

5. Archaeological WSI (Written Scheme of Investigation)

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

Reason: To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012-2030 and paragraph 205 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.

This needs to be a pre-commencement condition to ensure that the impacts of construction on heritage assets are mitigated from the outset of development.

6. Protection of fabric of Brunel Manor (during construction)

Prior to the commencement of the remodelling and extensions to Brunel Manor details of the means of keeping the building secure and protecting the building fabric (from adverse weather or unauthorised entry) during construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to commencement of the works to the building or part thereof and shall be maintained in that condition thereafter.

Reason: To ensure a sympathetic form of development and to preserve the character of the non-designated heritage assets further to Policies DE1 and SS10 of the Torbay Local Plan 2012-2030, Policy TH8 of Torquay Neighbourhood Plan 2019 and the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on heritage assets are mitigated from the outset of development.

7. Watcombe Park and Brunel Manor Historic Garden Features

A Method Statement for the protection and preservation of the garden features within the Watcombe Park and Brunel Manor Historic Garden shall be submitted to and approved in writing prior to the commencement of any works above, below or adjacent to the respective feature (within 5m distance measured horizontally). The garden features include:

- a) 2 flights of steps with balustrades to south of Brunel Manor (Grade II Listed (NHLE entry 1206849),
- b) Balustrades to south terrace of Brunel Manor (Grade II Listed (NHLE entry 1280009),
- c) Gate piers and walls at entrance to Brunel Manor (Grade II Listed (NHLE entry 1206850).

The development shall be implemented in accordance with the approved Method Statement.

Reason: To ensure the protection and maintenance of the significance of non-designated heritage assets that may be affected by the development in accordance with Policy SS10 of the Torbay Local Plan 2012-2030 and the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on heritage assets are mitigated from the outset of development.

8. Finished Floor Levels, datum levels

No development shall take place on each phase until details of the existing and proposed datum levels, finished ground levels within the site, finished floor levels including buildings and structures for that phase, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved level details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with Policies DE1, C5 and DE3 of the Torbay Local Plan 2012-2030.

This needs to be a pre-commencement condition to ensure that the development is constructed in a satisfactory manner from the outset of development.

9. Road Construction

No phase of the development (including ground works and vegetation clearance) shall take place until details of the position and construction of the proposed vehicle routes and footpaths, within the site have been submitted to and agreed in writing by the LPA.

The development shall be implemented in accordance with the approved details and maintained in that condition thereafter.

Reason: In the interests of a safe and adequate access to the site and within the site further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

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

10. The Waste Management Plan

No development (including ground works) or vegetation clearance works shall take place until a Waste Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan shall include measures to:

- (i) Prevent and minimise, re-use and recycle waste generated by the development including building materials, timber and ground materials
- (ii) Minimise the use of raw materials.
- (iii) Minimise the pollution potential of unavoidable waste.
- (v) Make provision for the storage and collection of waste.
- (vi) Dispose of unavoidable waste in an environmentally acceptable manner.

Reason: In the interests of ensuring a sustainable approach to construction of the development and reducing the amount of waste generated by the development of the site further to Policy W3 of the Torbay Local Plan 2012-2030.

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

11. Tree Protection Plan

No development (including ground works) or vegetation clearance works shall commence for any phase of the development until a Tree Protection Plan and Arboricultural Method Statement for the relevant areas of the site for that phase have been submitted to and agreed in writing by the Local Planning Authority for all land impacted by that phase. The Tree Protection Plan shall show the position of protective fencing, root protection areas for retained trees and the type of fencing.

- a. The area beneath the tree/hedge and between the trunk of the tree/hedge and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees and hedges shall be allowed onto the fenced area.
- b. No trenches for service runs, or any other excavations shall take place within the fenced area.
- c. No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree or hedge roots.

- d. Works to trees and hedges to be retained. Any work carried out to trees and hedges to be retained on site or close to the boundary of the site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.

The development shall be implemented in accordance with the approved details for the duration of the construction of that phase.

Reason: To ensure that all existing trees and hedges on the adjoining sites will be adequately protected prior to commencement and during construction of the development in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on protected trees and hedges are mitigated from the outset of development.

12. Technical design and arboricultural method statement

Prior to the commencement of the development and subject to the approval of the LPA, a technical design and arboricultural method statement shall be prepared and submitted for the construction and use of a suspended roadway or (subject to soil analysis and structural engineering details) a load spreading, porous surfacing treatment e.g. cellular confinement system, for the new vehicle access (private light goods) and parking areas associated with Water Row together with any measures (including signage) to prohibit its use by vehicles with a total gross weight of more than 3,500 kilograms. The approved design and arboricultural method statement shall be implemented on completion of the construction of Water Row for residential (non-construction) use only. The vehicle access to and parking areas associated with Water Row shall not be used by vehicles with a total gross weight of more than 3,500 kilograms.

Reason: To ensure that retained trees and hedges on the site are adequately protected prior to commencement and during construction of the development and retained, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on protected trees and hedges are mitigated from the outset of development.

13. Arboricultural Method Statement

No development (including ground works) or vegetation clearance works shall commence for any phase of the development before an Arboricultural Method Statement for the trees marked in orange on Drawing No 350 Rev C (Tree Overview) for each respective phase has been submitted to and approved by the Local Planning Authority. The Arboricultural Method Statement shall include:

- a. Excavation and dig methods;
- b. Tree protection methods

Reason: To ensure that retained trees and hedges on the site are adequately protected prior to commencement and during construction of the development and retained, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on protected trees and hedges are mitigated from the outset of development.

14. Landscape EMP for woodland enhancement

No development (including ground works) or vegetation clearance works shall commence until a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include details relating to habitat creation, species specification and management. It shall include a Woodland Management Plan for the site. The LEMP shall include an implementation strategy and timetable for implementation. The development shall be implemented in accordance with the approved LEMP and with the approved timetable for the duration of the agreed management plan period.

Reason: To ensure that all existing trees and hedges and new planting on the site and on adjacent sites are adequately protected and maintained prior to and during construction and occupation of the development, in accordance with Policies C4 and NC1 of the Torbay Local Plan 2012-2030 and the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on protected trees and hedges are mitigated from the outset of development.

15. Biodiversity Enhancement

Prior to the commencement of any development (including ground works) or vegetation clearance on the site a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation and/or compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the recommendations of the submitted Ecological Assessment (1348-EcIA-SC dated September 2023). Details of the bat boxes and bird boxes shall be submitted to and approved by the LPA prior to above ground development and thereafter shall be implemented in accordance with the approved details prior to the first occupation of the respective phase/building and retained in that condition thereafter.

Reason: In the interests of protecting existing wildlife and enhancing biodiversity on the site in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and the National Planning Policy Framework.

This needs to be a pre-commencement condition to ensure that the impacts of construction on biodiversity and habitats are mitigated from the outset of development.

Conditions

16. No works during bird nesting season

No demolition or site clearance works shall take place for each phase 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 for each phase will not disturb nesting birds and a record of this kept.

Reason: In order to protect ecology in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

17. Materials for each building - prior to above ground development

Prior to the commencement of above ground works for each phase or building of the development hereby permitted, samples and/or details of colour, type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the respective building or phase shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained in that condition thereafter.

Reason: To ensure a satisfactory form of development in accordance with Policies DE1, DE5 and SS10 of the Torbay Local Plan 2012-2030, Policy TH8 of Torquay Neighbourhood Plan 2019 and the National Planning Policy Framework.

18. Management and Maintenance of Roads

Unless the roads are subject to a completed agreement under Section 38 Highways Act 1980 no works shall be carried out for the formation or construction of any road unless the local planning authority has approved a Road Maintenance Plan for that road including the arrangements for either adoption by the highway authority or the implementation of a Private Road Management Scheme to secure the effective management and maintenance of the road and refuse collection throughout the lifetime of the development.

Where it is proposed that the estate roads shall be privately maintained no works shall be carried out above ground level until a Private Road Management Scheme has been submitted to and approved in writing by the local planning authority and which shall provide for:

- (a) The construction of the estate roads to an adoptable standard and the setting up a company or other entity to be responsible for the on-going management and maintenance of the road and refuse collection (the "Management Body").
- (b) How the company and the future management and maintenance of the road and refuse collection is to be financed including initial capital investment with subsequent funding.
- (c) The rights for and obligations on the Management Company to manage and maintain the road and collect refuse
- (d) Arrangements for the management and collection of refuse and waste from the dwellings.
- (e) A road management and maintenance and refuse collection schedule.

(f) How refuse and waste will be managed on site including the location of individual and communal refuse and waste collection facilities and the locations where refuse and waste is to be transferred off-site.

(g) Confirmation from the relevant waste collection company that they have agreed to collect the refuse and waste from the development in accordance with the approved details.

The development shall be carried out in accordance with the Road Maintenance Plan and the Private Road Access Scheme which shall thereafter be fully complied with and implemented.

No dwelling shall be occupied unless it connects directly to a road (including a footway and carriageway) which is:

(a) Adopted by the highway authority as a highway maintainable at the public expense or

(b) Subject to an agreement with the highway authority under section 38 of the Highways Act 1980 for the adoption of the road; or

(c) Subject to a Private Road Management Scheme where the Management Body has been established and is responsible for the management and maintenance of the road and the collection of waste and refuse from the date of occupation of the dwelling.

Any roads (including carriageways and footways) which do not form part of the highway maintainable at the public expense shall be permanently maintained to the standard set out in the Private Road Management Scheme and retained and made available for its intended use for the lifetime of the development.

Reason: In the interest of highway safety and to ensure satisfactory waste collection; to ensure a satisfactory appearance to the highways infrastructure serving the approved development for the lifetime of the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

19. Hard and soft landscaping details

Prior to first occupation of each phase of the development hereby approved a hard and soft landscape scheme shall be submitted to and approved for that phase in writing by the Local Planning Authority. The scheme shall include the following details:

(a) size, species and positions for new trees and plants,

(b) boundary treatments,

(c) surfacing materials (including roadways, drives, patios and paths)

(d) any retained planting and

(e) 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 and Policies TH8 and TE5 of the Torquay Neighbourhood Plan.

20. Soft Landscaping Implementation

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

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

21. Hard Landscaping Implementation

Prior to the first occupation of any phase hereby permitted, the scheme of hard landscaping treatment for that phase shall be fully installed in accordance with the approved 'Movement Strategy (ref. no. BMN-APG-XX-ZZ-DR-A 0009 P2). Once provided, the agreed hard landscaping treatment shall be retained for the life of the development.

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

22. Pedestrian Link

Prior to the first occupation of the relevant phase of development the pedestrian links shown on the Movement Strategy (ref. no. BMN-APG-XX-ZZ-DR-A 0009 P2) shall be completed in that relevant phase and made available for public use and retained and maintained thereafter, specifically:

- East-west through the site, between A379 Teignmouth Road to the east and Seymour Drive in the west.
- Between Seymour Drive and the existing footpaths in Brunel Woods to the south of the site. No gates or barriers shall be introduced at any point that prohibit public access.

The approved links shall be implemented in full as detailed above or within a timeline agreed pursuant to this condition and maintained for such purposes thereafter.

Reason: In the interests of amenity and connectivity, in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

23. Lighting Strategy

A detailed Lighting Strategy for each phase will be submitted for agreement with the Local Planning Authority prior to the above ground development for the relevant phase. The strategy will minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities, and demonstrate how

the best practice (BCT/ILP, 2018) guidance and the recommendations within the ecology report has been implemented. This will include details such as the following: artificial lighting associated with public realm lighting, car headlights associated with traffic movements through the development and internal and external lighting associated with dwellings.

The development shall take place in accordance with approved lighting strategy. No additional lighting shall be installed within the site without previous approval in writing by the Local Planning Authority.

Reason: In the interests of protecting and enhancing biodiversity in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

24. Energy Renewables

The development shall be implemented in accordance with the principles set out in the submitted Energy and Sustainability Report (by apg dated June 2023). Prior to the development hereby permitted details of the sustainability measures shall be submitted and agreed in writing by the Local Planning Authority. The renewable energy equipment shall be provided in accordance with the approved details prior to first occupation and retained in that condition thereafter.

Reason: In the interests of carbon reduction and to ensure a satisfactory form of development in accordance with Policies ES1, ES2 and DE1 of the Torbay Local Plan 2012 and the National Planning Policy Framework.

25. Secured by Design

Prior to the above ground development for each phase, a scheme detailing security measures and how designing out crime, fear of crime and anti-social behaviour and ensuring the security and safety of future residents for the relevant phase have been considered and submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of an external lighting plan relating to the public realm and associated areas. Development shall take place in accordance with the approved details and shall be fully implemented prior to the occupation of the building(s) to which it relates. The scheme shall be retained and maintained for the lifetime of the development.

Reason: To ensure the safety and security of persons and property and to minimise opportunity for crime, fear of crime and antisocial behaviour. In accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030.

26. Details of boundary treatments within site

Prior to the above ground development for each phase hereby permitted details of all boundary treatments for the gardens and amenity areas for each building shall be submitted and agreed for the relevant phase in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of each building or phase and retained in that condition

thereafter. No further means of enclosure shall be provided within the site without the prior approval in writing of the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030, Policy TH8 of Torquay Neighbourhood Plan 2019 and the National Planning Policy Framework.

27. New windows and doors

Prior to the above ground development of the remodelling and extensions to Brunel Manor details of all new windows and external doors to be installed in the respective building shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include materials, colour, means of opening and section drawings (including the reveals) at scale 1:10 or 1:20. The development shall be implemented in accordance with the approved details prior to first occupation of the respective building or part thereof and shall be maintained in that condition thereafter.

Reason: To ensure a sympathetic form of development and to preserve the character of the non-designated heritage assets further to Policies DE1 and SS10 of the Torbay Local Plan 2012-2030, Policy TH8 of Torquay Neighbourhood Plan 2019 and the National Planning Policy Framework.

28. Highway Works

No part of the development shall be occupied until details of the proposed full width on-carriageway bus stop and shelter (including details of the design, level and siting) and provision of a crossing to the southbound bus stop have been completed and made available for use in accordance with details approved by the LPA.

Reason: In the interests of a safe and adequate access to bus facilities and the convenience of occupants and visitors to the site further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

29. Highways Agreement – Section 278

The highway works referred to in the previous condition (no. 28) shall be in accordance with schemes and details submitted to and approved by the LPA through agreements under Section 278 Highways Act 1980 and other relevant enabling powers, entered into with the appropriate highway authority. The development shall not be occupied until the LPA has confirmed that all relevant highways agreements concerning the highway works have been entered into.

Reason: To provide safe and sustainable access to, and around, the site for all users in accordance with Policy TA2 of the Adopted Torbay Local Plan 2012-2030.

30. Parking Management Plan

No phase of the development shall be occupied until a Parking Management Plan for the parking and service areas serving that phase (including the allocation of parking spaces) have been submitted to and agreed in writing by the LPA. The development

shall be implemented in accordance with the approved details and maintained in that condition thereafter.

Reason: In the interests of a safe and adequate access and parking and the convenience of occupants and visitors to the site further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

31. Details of parking layouts and construction prior to above ground development -

Prior to the commencement of works above ground, development details of the surface, layout, construction and kerbs/edges of the respective car parking areas shown on Drawing BMN-APG-XX-ZZ-DR-A shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation, the parking areas shall be provided on the site in accordance with the approved details and shall thereafter be retained for their intended use with the associated development for the lifetime of the development.

Reason: In accordance with highway safety and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

32. Landscape Restoration Strategy

The development shall be implemented in accordance with the principles set out in the submitted Landscape Restoration Strategy (by viridian landscape planning dated July 2023). The restoration shall take place in accordance with the approved details prior to first occupation and retained in that condition thereafter.

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

Informatives

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.

Bat informative	The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed, and experienced ecologist at the earliest possible opportunity.
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Nesting birds	The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop immediately, and do not restart either until the young have fledged or advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
Badgers	The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.
Protected Species	Responsibilities of the applicant / developer. 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

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay

SS3 – Presumption in favour of Sustainable Development.

SS4 – The Economy and Employment.

SS10 – Conservation and the Historic Environment.
SS11 – Sustainable Communities.
SS12 - Housing
SS14 - Low carbon development and adaptation to climate change
DE1 – Design
DE3 – Development Amenity.
DE4 – Building Heights.
ES1 - Energy
TA2 – Development Access.
TA3 – Parking Requirements.
ER1 – Flood Risk.
ER2 – Water Management.
NC1 – Biodiversity and Geodiversity.
HE1 – Listed Buildings
C4 – Trees, hedgerows and natural landscape features.
W1 - Waste management facilities

Torquay Neighbourhood Plan

TH8 – Established Architecture.
TH9 – Parking Facilities.
THW5 – Access to sustainable Transport.
TE5 – Protected species habitats and biodiversity.
TH10 – Protection of the Historic Built Environment.
TS1 – Sustainable Development.
TS4 – Support for Brownfield and Greenfield development.
TT1 – Change of use constraints within and outside a CTIA
TT2 – Change of use in Conservation Areas and Listed Buildings.
TH2 - Designing out crime
THW4 - Outside space provision