

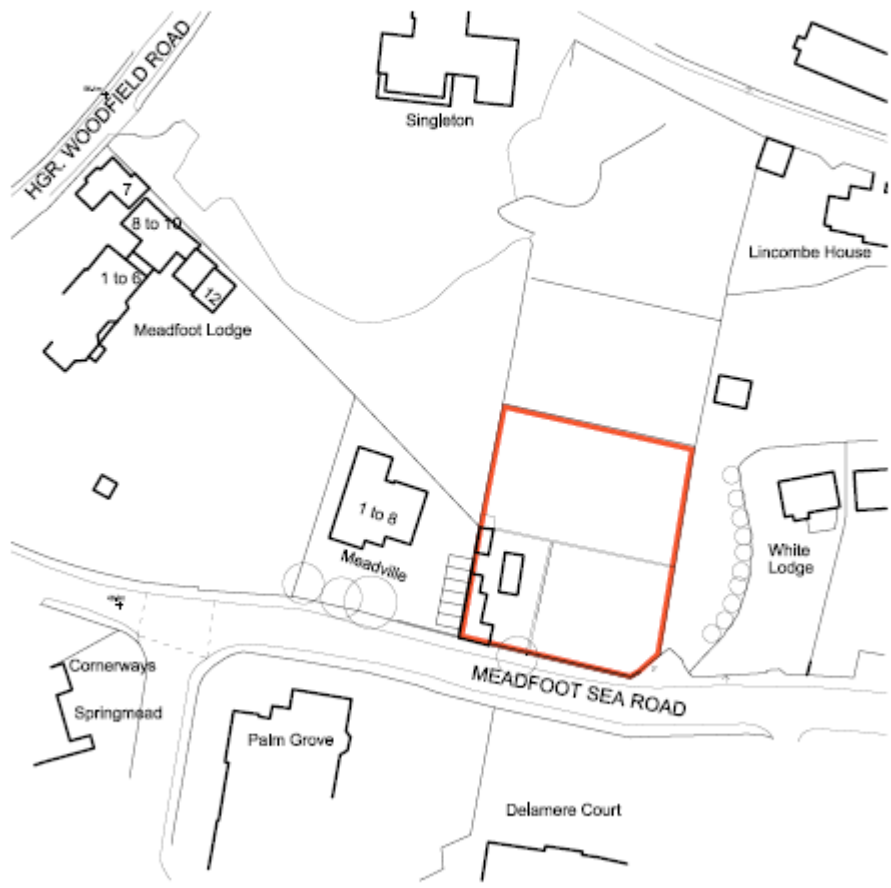
TORBAY COUNCIL

Application Site Address	Singleton Gardens Meadfoot Sea Road Torquay TQ1 2LQ
Proposal	Extensions & alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works.
Application Number	P/2023/0994
Applicant	Mr R Bishop - O.J. Developments Ltd.
Agent	Mr D Metcalfe
Date Application Valid	16/11/2023
Decision Due date	11/01/2024
Extension of Time Date	08/03/2024
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p> <p>If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.</p>
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by the Chairman on the Planning Committee, Cllr Maddison due to the history of the site and public interest.
Planning Case Officer	Verity Clark

Location Plan



Notes:
STATUS : FOR APPROVAL
Use only figured dimensions and check all discrepancies with architect. This drawing is not intended for construction purposes and is based on former record drawings by others. Based on survey by Centreline



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Site Details

The site, Singleton Gardens, is a residential dwelling with land on the northern edge of Meadfoot Sea Road. The residential dwelling is modest in scale within a large plot. The site is enclosed by stone and rendered boundary walls. The land rises to the north towards Lincombe Drive, with a copse of trees set above the northern extremity of the site boundary. To the north-west of the site are two large villas (Singleton and Meadfoot Lodge) with extensive grounds and directly to the north west is Meadville which is a modern building in use as flats. To the east lies an array of private houses of varying ages and types. To the south of the site, on the opposing side of Meadfoot Sea Road are large villas with extensive grounds.

The site is located within an existing residential area, is designated as Flood Zone 1, is situated within the Lincombes Conservation Area and is subject to Area Tree Protection Order (1973.001). Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed.

Description of Development

The application seeks permission for extensions and alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of an existing greenhouse and outbuilding, landscaping and associated works.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Lincombes Conservation Area and sets out the general duty as respects listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The following development plan policies and material considerations are relevant to this application:

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

- Planning Practice Guidance (PPG)
- Lincombes Conservation Area Map
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Summary of Consultation Responses

Principal Historic Environment Officer:

It is considered that the proposed works would overall have a positive impact on the identified heritage assets and the local historic environment.

Conclusions:

The removal of the identified outbuildings, modern flat felt roofs and UPVC glazing frames with a design of window of a more traditional design will help to improve the appearance of the building and remove poor quality or unsightly 20th century extensions.

The use of aluminium window frames is considered to be an improvement on the existing uPVC windows in this particular case and it is recommended that joinery details are secured should the application be approved.

The development will not be dominant and visually intrusive and is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the conservation area.

Should you be minded to approve the application I would suggest the use of conditions relating to:

- External Materials
- Joinery details of the proposed fenestration including frame materials, colour and depth of reveals

These will ensure that appropriate details are secured to allow the significance of the identified heritage assets to be preserved.

DCC Ecology:

Ok, subject to the following conditions:

- External lighting details
- Adherence to ecology report actions
- Timing of vegetation clearance and building works to avoid bird nesting season

Senior Tree Officer:

Response dated 14/12/23:

I've just assessed this application and have no objections in principle to the development. However, I would like to see a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) for the proposed resurfacing works in the root protection area of T7.

The TPP should identify any trees which are to be removed and or methods of protection for those which are retained. Within the TPP, I would expect to see the text 'prior to commencement' applied to the fencing element.

The AIA can either be detailed or at this stage just set out the principles for any works within the root protection area of T7 – e.g. manual removal of existing surfacing, arboricultural watching brief, porous load-spreading surfacing etc and tie in with site phasing to avoid opening up the roots to damage through the construction phase.

If this level of detail can be provided, it would give me greater confidence in supporting the application rather than applying conditions. I appreciate the applicant may not wish to incur additional expense at this stage, but it will make the decision process easier to have this resolved up front.

Response dated 10/01/24 following the submission of additional information:

The Tree protection Plan helps to address all of my concerns. The tree removal and surfacing (T7) replacement has been clearly set out.

On this basis a planning condition will need to be attached to any grant of planning permission to secure the implementation of the tree protection as per Plan 818-TPP.

Drainage Engineer:

The proposed development must comply with the hierarchy for dealing with the surface water drainage even though there is a net reduction in impermeable area for the development. The reason for this is that once the existing buildings have been demolished the existing impermeable area of the development is the impermeable area remaining. Any new extension will increase this impermeable area and if this is above 20m² then the developer must comply with the hierarchy.

Looking at this site, it is clear that there is no room on the site for infiltration drainage to be installed and as a result the developer must discharge his surface water run-off from the extensions via a controlled discharge to the combined sewer system.

As Torbay is a Critical Drainage Area 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 extensions 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. 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.

Providing the developer proposes to discharge the surface water run-off from the extensions at a controlled discharge rate I would be happy for you to use the recently agreed standing advice for this planning application.

South West Water:

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

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

For Highway run off please contact the Highway Authority to agree disposal method.

Torquay Neighbourhood Plan Forum:

This is the third planning application made for the Singleton Gardens site by the owner/developer OJ DEVELOPMENTS in as many years. When the previous planning application reference P/2022/1186 was rightly refused, David Edmondson clearly stated in the Decision Notice dated 31.8.23 that:

“4:12 The proposal will result in the development of the existing garden which provides an open aspect within the Conservation Area to the detriment of this designated heritage asset.”

There is concern that the developer will seek to use this new application as a vehicle to reinstate the previously refused application P/2022/1186 (Erection of 7 apartments, 2 attached dwellings and extensions/refurbishments to an existing dwelling). This earlier application included the refurbishment and modification of the very same building that is the subject of this new application. The Neighbourhood Forum is adamant that this application shall not in any way pre-determine consideration of any subsequent planning appeal or re-application for the construction of a block of flats on this site. This application shall not be seen as the "starter phase" for the other development.

Having reviewed the information that has been provided, the Forum considers that this application should be refused because:

1. The Application was validated on 16th November but not listed in the weekly summary until 11th December, even though it has been “live” on planning portal since Tuesday 5th December.
2. Only “selected” people who have requested planning alerts for Wellswood actually received information on this one on 5th December. Notable exceptions were Chairman of Wellswood Community Partnership and Chairman of the Torquay Neighbourhood Forum.
3. There has been a failure to display “yellow signage” until 12th December.
4. No letters advising of this new application have been sent to near neighbours.
5. The Consultation period is far too short, due to the above delays and proximity of Christmas holidays, effectively limiting the consultation period up to 3rd January 2024. This is a familiar technique deployed by developers every year to minimise the time available to the public to review an application, and the Council should stop facilitating such practice.
6. No heritage statement has been requested by the Planning Department despite buildings on the site subject to this application being shown as non-designated heritage assets within the Lincombes Conservation Area. One of the three “key buildings of architectural importance” identified on the Lincombes Conservation Area map will be demolished by this proposal and the implications of this should be assessed by a person suitably qualified and experienced in heritage and conservation matters.
7. In the Design and Access Statement the applicant states:

“Because the site has no designated status, permitted development rights remain and the house may hence be altered at will to the limits imposed by GPDO legislation.”

However Historic England has advised that any alterations to non-designated heritage assets such as the buildings in question should preserve and enhance the Conservation Area in which they are situated. Under the terms of the Council’s own Planning Enforcement Policy no work should be carried out on buildings [whether listed or not] without permission being granted first.

The “historic” information provided by the applicant is also incorrect re the relationship with Singleton Manor, the adjoining Grade II listed property.

Historic England has not been invited to comment on the application although it does involve demolition of non-designated heritage assets.

8. The developer has already started the building work without planning permission. The attached Policy Checklist shows a number of non-compliances with Development Policies. In view of this and the comments above, the Neighbourhood Forum cannot support this Application, and asks that it be Refused.

Summary of Representations

At the time of writing approximately 42 letters of objection and 6 letters of support have been received. The following provides a summary of the main issues identified:

Objections include:

- Out of character/ not inkeeping
- Overdevelopment
- High density housing
- Removal of house sign
- Works already commenced
- No heritage statement from consultee
- Attempt to facilitate previous proposal
- Sets a precedent
- Inappropriate development
- Potential to enhance local area if future use as working garden
- Car parking and amenity space inadequate
- Timing of application and advertisement
- Garden should be restored to former use for community
- Biodiversity and ecology
- Increased traffic
- Design and access statement misleading/ inaccurate
- Development should be brownfield first and not greenfield
- Impact on Conservation Area
- Loss of light
- Impact on historic streetscene and context
- Loss of openness

- Impact on tourism
- Asset of community value
- Historic use
- Does not comply with Local and National Policy
- Lack of affordable housing
- Loss of privacy
- Inadequate legal advice
- Lack of heritage statement
- Impact on listed buildings
- Materials
- Garden grabbing
- Impact on heritage assets
- Impact on trees
- Noise
- Previous decision/ planning history
- light survey needed in respect of tree
- Lack of conservation area appraisal
- Alternative use of site

Comments in support include:

- Stimulate growth
- Improvement to the current flat roof in place
- Development inkeeping
- Careful consideration to tree planting needed
- Very little, if any negative impact on local environment
- Limited visibility
- Sympathetic extension
- Improvement to current building
- No public access to garden

Relevant Planning History

Pre-application enquiry DE/2019/0015: Development of 8 apartments with parking. Summary – The principle of residential development in this location is considered acceptable however, as discussed, there are a number of concerns relating to the proposal’s design and layout; impact on neighbours; along with a workable parking and manoeuvring area. Should a planning application be submitted, planning officers are unlikely to support a proposal along the lines indicated in your submission. It is likely that the matters raised could be addressed if the scale and bulk of the proposed development was reduced in line with comments provided by the Council’s Interim Heritage Advisor, which would decrease the amount of residential units and parking required, and subject to acceptable impacts on neighbours.

Pre-application enquiry DE/2020/0042: Construction of six dwellings. Summary – The principle of residential development in this location is considered broadly acceptable

subject to wider policy considerations. As discussed, there are a number of concerns relating to the proposal's design and layout; impact on neighbours; along with a workable parking and manoeuvring area. Should a planning application be submitted, planning officers are unlikely to support a proposal along the lines indicated in your submission. It is likely that the matters raised could be addressed if the design was sensitive to the heritage assets, along with decreasing the amount of parking proposed, and ensuring that the scheme has an acceptable impact on adjacent occupiers.

P/2021/0802: Formation of 9 apartments & 2 semi-detached dwellings with access, garages & parking. Demolition of existing outbuildings. Alterations & extensions to existing dwelling to include 2 storey extension to side. Refused 18/03/2022 for the following reasons:

- Given the siting, scale and design of the proposal, it is considered the proposal would fail to reflect local distinctiveness as well as failing to relate acceptably to the heritage assets. The proposed siting, scale and design of the semi-detached dwellings is suburban in character and would be dominant in the street scene. As such they would be inappropriate and out of character with the context of the site and surrounding area and fail to respect the local character and would lead to less than substantial harm to the setting of the "Palm Grove" listed building. The proposed scale and design of the apartment block fails to provide a quality design, respect the local character in terms of design, scale and bulk, and in terms of reflecting the identity of its surroundings. It would present itself as an overtly dominant mass within the locality that would be highly visible within the Lincombes Conservation Area. The proposal in its totality would result in an incongruous addition that would cause demonstrable harm to the heritage assets that is not outweighed by sufficient public benefit. The proposal is considered to fail to conserve or enhance the distinctive character and appearance of the Lincombes Conservation Area and would lead to less than substantial harm to the heritage asset. The proposal is considered to be contrary to Policies DE1 and SS10 of the Adopted Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the guidance contained within the NPPF, in particular Paragraphs 130, 134, 199 and 202.

- The proposed development would provide a poor quality residential environment by reason of the trees adjacent to the western boundary in relation to the proposed apartment block, in particular apartments 3, 6 and 8, some of the habitable rooms would have limited access to natural light given the trees, which would result in the creation of an environment injurious to the amenity of future residents, contrary to Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and the National Planning Policy Framework, in particular Paragraph 130.

- The proposed works are in close proximity to a protected tree within the Lincombes Conservation Area. As insufficient information has been provided it cannot be confirmed that the proposal would have an acceptable impact on the protected tree and the contribution it makes to the surrounding streetscene, and therefore whether

the proposal would be in accordance with Policy C4 of the Adopted Torbay Local Plan 2012-2030.

- The proposal, in the absence of a completed S106 Legal Agreement, fails to secure the necessary provision of affordable housing, contrary to Policy H2 of the Adopted Torbay Local Plan 2012-2030 and the National Planning Policy Framework, in particular Paragraphs 63 and 65.

Pre-application enquiry DE/2022/0068: Formation of 7 apartments & 2 semi-detached dwellings with access, garages & parking. Demolition of existing outbuildings. Alterations & extensions to existing dwelling to include 2 storey extension to side. Summary - The principle of residential development in this location is considered broadly acceptable subject to wider policy considerations. The design presented is considered to represent a positive design solution to the concerns previously raised. From the floor plans presented it appears that the apartments on this side of the building feature multiple openings on different elevations and the siting has been moved away from this boundary. This has likely addressed the second reason for refusal. We would expect arboricultural information to be submitted in support of the application to address the third reason for refusal. The last reason for refusal related to affordable housing provision. Policy H2 seeks affordable housing contributions on greenfield sites of three dwellings or more. For nine dwellings it would have an affordable housing target of 15% which is usually sought through a commuted sum. Should a planning application be submitted detailing the proposed apartment building, semi-detached coach houses and extension to the existing dwelling, planning officers are likely to support a proposal.

P/2022/1186 Erection of 7 apartments, 2 attached dwellings and extensions/refurbishments to an existing dwelling; plus associated landscaping and access work. Refused 31/08/2023 for the following reasons:

- The proposal, in the absence of a completed S106 Legal Agreement, fails to secure the necessary provision of affordable housing, contrary to Policy H2 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained within the NPPF. The applicant's offer of a contribution of £65,000 towards off-site affordable housing is inadequate and fails to comply with Policy H2.
- Given the siting, scale, massing and design of the proposal as a whole, the development would fail to reflect local distinctiveness as well as fail to relate acceptably to the Lincombes Conservation Area. The proposal will result in the development of the existing garden which provides an open aspect within the Conservation Area to the detriment of this designated heritage asset. Overall the proposal is considered to fail to conserve or enhance the distinctive character and appearance of the Lincombes Conservation Area and would lead to harm to the designated heritage asset which is not outweighed by public benefit. The proposal is therefore contrary to Policies DE1 and SS10 of the Adopted Local Plan 2012-2030, Policy TH8 of the Adopted Torquay

Neighbourhood Plan 2012-2030 and the guidance contained within the NPPF, in particular Paragraphs 130, 134, 199 and 202.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of development
2. Design, Visual Appearance and the Character of the Area
3. Heritage
4. Amenity
5. Flood Risk and Drainage
6. Ecology
7. Trees
8. Loss of A Community Facility and Potential Use of Site for Horticulture

1. Principle of Development

The proposal seeks permission for works to an existing dwelling. In the context of householder development within the built up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

2. Design, Visual Appearance and the Character of the Area

Paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. 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 whilst Policy DE5 of the Local Plan states that extensions to domestic dwellings 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 Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The application site includes a modest, two storey, residential dwelling with large grounds including a dilapidated greenhouse and a disused outbuilding. The dwelling has uPVC openings and poor quality extensions. The grounds of the plot gradually

raise up from south to north forming terraces separated by stone walls. The natural stone walls define the site due east, west and north, whilst the southern boundary, along Meadfoot Sea Road, is a rendered wall. The existing dwelling occupies the south-western corner of the site. The building is built in the boundary walls and has an existing vehicular access at the south-east corner off Meadfoot Sea Road.

This part of Meadfoot Sea Road is characterised by the most significant buildings being 'Italianate' in their architectural language, with complex accretive massing, heavy articulated eaves detailing and multiple localised symmetries. The plot to building relationships and ratios are noteworthy with large villas set back from the main frontage and sitting within generous gardens, visible verdant landscape and orientated somewhat to gain sea views. The streetscene and locality benefits from mature trees, including an off-site tree (T7 London Plane) owned by Torbay Council.

The proposal includes alterations and extensions to the existing dwelling 'Singleton Gardens' to include a two storey extension to the northern side elevation and a single storey extension to the eastern front elevation of the dwelling, including a new pitched roof which will replace a section of existing flat roof. The proposal includes a render finish, slate roofs and powder coated aluminium openings to the existing dwelling.

The application follows on from refused application P/2022/1186 which proposed the erection of 7 apartments, 2 dwellings and works to the existing dwelling. One of the reasons for refusal related to the siting, scale, massing and design of the proposal as a whole, the failure to reflect local distinctiveness and the impact on the Conservation Area. This refused application included similar works to the existing dwelling, although the roof design on the current proposal has been modified to a hipped roof, the single storey extension on the eastern front elevation of the dwelling now spans the full elevation and the fenestration detailed differs.

Objectors have raised concerns, including on matters such as the proposal would represent overdevelopment, not be in keeping with the local area, set a precedent, would constitute inappropriate development and have raised concerns about the materials. The supporters have stated that the proposal would be inkeeping, be of limited visibility, result in an improvement to the current building and would have very little, if any negative impact on the local environment.

The alterations and extensions to the existing dwelling 'Singleton Gardens' are considered to result in an acceptable size, scale and visual appearance. The existing two storey flat roof element is considered to result in a poor visual appearance and the alteration and extension of this existing element to form a pitched roof is considered to appear visually coherent. Whilst the extension will result in a higher ridge height, in this instance given the flat roof sits above the eaves level of the existing pitched roof, and the pitched roof sits adjacent to Meadfoot Sea Road, a stepping up of height further into the plot is considered to be an acceptable design rationale. The existing single storey flat roof element on the eastern front elevation will be rebuilt and extended with a single storey pitched roof extension. This appears subordinate to the

main two storey elements of the building and the design as a whole is considered to result in an acceptable visual appearance.

The proposal also includes landscaping works which will include the removal of an existing low wall and area of concrete adjacent to the dwelling, which will be replaced by flagstone slabs and a larger area of lawn. This change is considered to be visually acceptable and will improve the existing appearance of the landscaping.

The development as a whole is not considered to be overly dominant or visually intrusive and the overall size, scale, massing and visual appearance is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the area. The development as a whole is considered to accord with Policy DE1 of the Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

Whilst P/2022/1186 was refused and included similar works to the existing dwelling, in isolation the development put forward as part of this planning application is considered to be acceptable in terms of siting, scale massing and design. Impacts on designated and non designated heritage assets from the proposal are considered in depth later in the report but are concluded to be acceptable. Whilst it is noted that concerns have been raised about the proposal setting a precedent, and how this would impact on the previously refused scheme, it is considered that this element of the scheme in isolation from other previously proposed works on the site are acceptable.

3. Heritage

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) sets out the general duty as respects Conservation Areas, which requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of the 1990 Act sets out the general duty as respects listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site is situated within the Lincombes Conservation Area. Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed. The buildings listed as 'other key buildings of architectural importance which make a significant contribution to the townscape' within the Lincombes Conservation Area map are considered to constitute non designated heritage assets due to their contribution to the Conservation Area and these include, but are not limited to, Osbourne House, Delamere Court and Marstan Hotel. The application has been supported by a Design, Access and Heritage Significance Statement which analyses the site, the historic environment records, the heritage

value and significance of the site and assess and discusses the design response put forward, with reference to policy and heritage considerations.

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.

Historic England were previously approached with a request to add the site to the Register of Parks and Gardens of Special Historic Interest in England. A decision was made on the 26th January 2023 not to list the site. Historic England in their consideration confirmed:

The walled garden at Singleton Gardens historically had some connection to one of the grand mid-C19 villas nearby, most probably the house known as Singleton. The walled gardens would have yielded vegetables and top-fruits for the owners, and the historic presence of glasshouses perhaps suggests a desire to impress through the cultivation of tropical crops. This connection is of some local interest, and the surviving boundary walls and open spaces expressed through their former use contribute to the appearance and interest of the Lincombes Conservation Area. However, the layout and features shown on mapping from the C19 to the post-war period have largely been lost. The garden structures in the south-west corner of the southern garden have been altered and converted to a modern house. The 'icehouse' has some architectural merit, but it has also been altered and alongside vagaries about its purpose, it cannot itself have any claims to special interest. Additionally, the separation in ownership in the post-war years has divorced the garden of any contextual connection to Singleton. Any natural or biodiverse interest which the gardens have is not relevant to this listing assessment. Therefore, judged against the criteria for listing the walled garden and its associated structures at Singleton Gardens, Torquay do not merit listing for the following principal reasons:

Lack of architectural interest:

- * most of the garden features and structures, which would have been standard in a small walled garden such as this, have been lost or altered;*
- * the 'icehouse' has some architectural merit, but alterations and uncertainty of use reduces any claims to special interest.*

Lack of historic interest:

- * any historic association and connection with Singleton has been lost;*
- * the contribution of the garden to this area of Torquay and its villa residences is of local rather than national interest.*

CONCLUSION *The walled garden and its associated structures at Singleton Gardens, Torquay, dating to the mid-C19 with alterations and losses, do not meet the criteria for listing in a national context.*

Following this decision, a further request was made to Historic England to reconsider listing the site. A decision was made on the 11th July 2023 not to list the site with the following comments made:

Singleton Gardens is understood to have been constructed between 1836 and 1861 and is therefore part of the initial period of villa development in Torquay. Other villas on the Palk estate with walled gardens, such as at the neighbouring Osborne Villa, and at Vomero (1838) in the Warberries area, are shown on the 1880 OS map but they were not of a comparable size. These and other smaller walled gardens have largely been lost to development pressures, so the survival of the boundary walls to two of the three compartments of the walled garden for Singleton is a rarity for the area.

However, any significance of the walled garden as a surviving C19 walled garden needs to be carefully balanced against its surviving fabric and layout. The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric. The layout of the walled garden and its inter-relationship with its immediate surroundings has also largely been lost reducing the impact of the walled garden within its marine landscape and therefore any claims to interest for this. It does not survive as a particularly good or well preserved example of a walled garden.

Claims have been made for the significance of Torquay's mid-C19 planned suburban villa landscape as part of the national trend in the development of seaside resorts in the C18 and C19, and that the construction and survival of the walled garden at Singleton contributes to this significance. It is clear that the scale and quality of the villa developments in the Warberries and Lincombes areas of Torquay over a short period of time is notable, and this interest is reflected in those areas being designated as separate conservation areas, within which many of the C19 villas and their associated boundary walls and gate piers are listed. Smaller details such as street signs, granite kerbs, cobbled surfaces all contribute to the history and character of the conservation area, as do the boundary walls and open spaces of the walled garden at Singleton. Torquay's place within the contextual history of suburban coastal and urban villa developments of the time is undeniably of importance, but it is not considered that this was uniquely innovative, particularly at the level as is claimed. The recognition of this at conservation area level is regarded as being an appropriate designation.

Claims for historic association have also been made for the walled garden. The only known significant figure associated with Singleton and its walled garden is Reverend Canon Alan Campbell Don KCVO (1885-1963), who, with his brother was put in trust of Singleton in the early 1940s, selling the garden in 1945. At no point did the Dons live at Singleton and therefore no claims to special associative historic interest can be made. Wider claims have been made for the town with various notable visitors and

personalities attached but none of these relate directly to Singleton or its walled garden.

In terms of the significance of the suburban villa landscape in Torquay, this interest is recognised by many of the villas being listed at Grade II, and the designation of conservation areas. The history of the walled garden associated with Singleton adds an important layer to the understanding of the area, although little specific documentation is currently known to survive. Whilst it is recognised that Singleton Gardens is an unusual survivor, any claims to rarity or uniqueness are rather unaccomplished. With this in mind, and considering the considerable losses to its historic fabric, associated structures and layout, the walled garden known as Singleton Gardens is not considered to meet the criteria for Registration.

CONCLUSION

After examining all the records and other relevant information and having carefully considered the historic interest of the case, the criteria for the registration of the walled garden associated with the property known as Singleton Gardens, Torquay, Devon are not fulfilled.

REASONS FOR DESIGNATION DECISION

The walled garden associated with the property known as Singleton Gardens, Torquay, Devon is not recommended for inclusion on the Register of Historic Parks and Gardens for the following principal reasons:

Historic interest:

** the features of the walled garden are modest for this type of structure and gardens of the period and it does not survive as a notable example of a particularly important phase of garden development;*

** Singleton and its walled garden contribute to an understanding of the early-C19 development of Torquay and the walled garden is recognised as being an uncommon survivor, however this is not sufficient to raise the level of interest to that required for national designation.*

Degree of survival:

** the fabric of the walled garden has been significantly eroded by cumulative post-war changes and loss;*

** the loss of the pathway layout within the walled garden and removal of the access from Singleton has reduced the understanding of the patterns of movement around the garden.*

The Council has assessed if the site should be considered curtilage listed and has considered the detailed representations currently and previously received, including the comments made by Historic England.

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object or structure within the curtilage of a listed building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building. The object or structure is considered to be part of the listed building and is listed (these structures are often called "curtilage listed"). This only applies to objects or structures ancillary and subordinate to the listed building itself (*Debenhams plc v Westminster City Council* (1987) AC 396).

In the case of *Methuen-Campbell v Walters* [1979] QB 525 the court held that property will be within the curtilage of another property if it is so intimately associated as to form part and parcel of it and this will depend on the circumstances of every case. The curtilage may be confined to a small area around the principal property but not necessarily so and again this will depend on all the circumstances, including the nature and location of the properties.

In *Attorney-General, ex rel Sutcliffe, Rouse and Hughes v Calderdale Borough Council* [1983] JPL 310, the Court of Appeal concluded that the following factors should be taken into account in determining whether or not a structure or object was within the curtilage of the principal listed building:

- The physical layout of the listed building and the structure or object.
- The ownership of the listed building and the structure or object, both past and present.
- The use or function of the listed building and the structure or object, both past and present.

In *Hampshire CC v Blackbushe Airport Limited* [2021] EWCA Civ 398, the court held that the land must be so intimately connected with the building as to lead to the conclusion that the former is in truth part and parcel of the latter.

The question is whether the structures within the application site were within the curtilage of any listed building when that building was listed.

Singleton was Listed Grade II on 10 January 1975. The listing states that it preserves its C19 garden plot. Meadfoot Lodge was listed Grade II on 2 May 1974. The listing entry states that the building was already in use as holiday flats.

Singleton Gardens consists of 2 parcels of land, forming a series of 4 smaller walled areas set between a number of historic villas, north of Meadfoot Sea Road. On the basis of the evidence we have, our conclusions on the curtilage listing of the site are as follows:

Meadfoot Lodge:

Singleton Gardens does not appear to be within the curtilage of Meadfoot Lodge. Meadfoot Lodge is recorded as being in use as flats when it was listed. There is no known connection between Singleton Gardens and Meadfoot Lodge on the basis of ownership, physical layout or use/function. As noted below it appears that Singleton Gardens was sold off from Singleton in 1945.

Singleton:

- Physical layout: Reviewing the available historic documents, the title plan to Singleton indicates that it has laid out gardens and appears unconnected with Singleton Gardens. It is also separated by a belt of mature trees indicating the length of time this separation has been in place. There is a linear common boundary running from Lincombe Drive to Meadfoot Sea Road which would also appear to show separation. The issue is whether the layout means Singleton Gardens is so intimately associated as to form part and parcel of Singleton. Reviewing the layout of both sites (whether or not used together or in common ownership) it appears that the layout does not demonstrate intimate association. The listing of Singleton refers to the retention of its garden plot. It does not refer to any walled garden greenhouses or market garden. Whilst not conclusive this strongly indicates that Singleton Gardens was not considered to be part of the listing of Singleton.

- Ownership: The title to Singleton contains the following entry: The land has the benefit of the following rights reserved by a Conveyance of Singleton Gardens adjoining the south-east corner of the land in this title dated 14 September 1945. The title to Singleton Gardens contains a corresponding entry that the land is subject to the provisions of the 1945 conveyance. This shows that Singleton Gardens was sold off in 1945 prior to Singleton being listed.

- Use or function. Historic mapping appears to show some smaller structures, likely glasshouses/greenhouses, within the sites although the number of these appears to have fluctuated over time, with many being removed or demolished as the site has evolved. The use of site as a whole following its sale in 1945, appears to have been walled gardens completely separate to Singleton.

Only ancillary structures would be curtilage listed. As mentioned above the use as a walled garden appears to be independent of any listed building. In addition, Singleton Gardens itself is an independent dwelling. If the use commenced prior to the listing of Singleton then it would not be curtilage listed in any event.

On the basis of the evidence we have, we consider that the structures in Singleton Gardens are not curtilage listed.

The outbuildings proposed for demolition include a single storey outbuilding with a shallow pitched roof with modern windows and openings and a greenhouse. The heritage assessment of application P/2022/1186 stated that the greenhouse dates to the period between 1933 and 1953. The timbers do not suggest anything like the kind

of quality that one might expect of Victorian glasshouses and its orientation and juxtaposition with the cottage suggest a more modern use. It is of limited heritage value and has been badly repaired and altered over the course of the 20th century. Within the wider grounds, a number of brick and stone outbuildings appear to be late 19th-early 20th century in date, extended and altered with modern roofs and in various states of dilapidation. Historic England in their consideration of the listing note that 'The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric.

Objectors have raised concerns, including on matters of the impact of the proposal on the Conservation Area, listed buildings and designated and non designated heritage assets and the impact on the historic streetscene and context, including the loss of openness.

The Council's Principal Historic Environment Officer notes within their consultation response that the outbuildings within the site include the greenhouse, which is believed to date to the period between 1933 and 1953 and has been badly repaired and altered over the course of the 20th century is of limited heritage value. They consider that the demolition of the greenhouse will have a neutral impact on the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and the Grade II listed Palm Grove. The demolition of the ancillary outbuilding is considered to result in an enhancement to the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and Palm Grove.

The Council's Principal Historic Environment Officer considers the demolition and replacement of the modern extensions and the replacement fenestration to result in an enhancement to the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and Palm Grove. Overall, the proposal is considered to have a positive impact on the identified heritage assets and the local historic environment. The Officer concludes that the removal of the identified outbuildings, modern flat felt roofs and UPVC glazing frames with a design of window of a more traditional design will help to improve the appearance of the building and remove poor quality or unsightly 20th century extensions. The use of aluminium window frames is considered to be an improvement on the existing uPVC windows in this particular case, and the development will not be dominant and visually intrusive and is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the Conservation Area. The officer recommends conditions relating to external materials and joinery details of the fenestration to ensure that appropriate details are secured to allow the significance of the identified heritage assets to be preserved. In terms of external materials, the Officer has verbally confirmed that the slate detailed within the materials samples sheet is acceptable and further details of external materials are not required. A compliance condition is therefore recommended

to ensure the use of the slate detailed. A condition requiring joinery detail is recommended to ensure a good quality scheme is achieved.

The proposal will remove existing extensions on the dwelling, an ancillary outbuilding and greenhouse. The proposed extensions to the dwelling are sited adjacent to the existing western boundary wall and to the east of the existing dwelling. Given the siting adjacent to the boundary wall and existing dwelling, the size and scale of these extensions in addition to the removal of existing elements, the open aspect of the existing gardens is considered to be retained, conserving their character and quality, in addition to the contribution they make to the Conservation Area.

Overall, with the addition of the recommended conditions, the proposal is considered to result in an enhancement to the designated and non designated heritage assets and will retain the character and quality of the existing garden which provides an open aspect within the Conservation Area. The proposal therefore accords with Policy SS10 of the Local Plan and the NPPF.

4. Amenity

Policy DE3 Development Amenity of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

Objectors have raised concerns including on matters of noise, loss of light and privacy/overlooking.

At present the dwelling at Singleton Gardens has a width from south to north of approximately 15m. The adjacent garages at Meadville have a width of approximately 15.2m. With the proposed extension the dwelling will have a width of approximately 16.3m. The garages will still extend around 1.35m further to the north than the extended dwelling. The height of the highest part of Singleton Gardens (the two storey flat roof element which will be removed) is approximately 6.1m. The ridge of the roof of the two storey extension will feature an approximate height of 6.3m.

The extension to the existing dwelling will extend the dwelling along the shared west boundary with Meadville and the ridge height of the extension will be higher than the adjacent wall and garages. Given the extension will sit adjacent to the existing block of garages with hardstanding parking area to the west of the garages, combined with the separation distance to the nearest habitable room within Meadville, the extension and alterations to the dwelling are not considered to result in a loss of amenity to the occupiers of the flats and the associated grounds.

Given the separation distance from the proposed extensions and works to all other surrounding properties, the proposal is not considered to result in a negative impact on neighbouring amenity.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

5. Flood Risk and Drainage

Policy ER1 Flood Risk 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 accompanied by a Flood Risk Assessment. The flood risk assessment states that the proposal results in a reduction in net hard surface and surface water will continue to be discharge to the SWW sewer.

The Council's Drainage Engineer has considered the proposal and has confirmed that the proposed development must comply with the hierarchy for dealing with the surface water drainage even though there is a net reduction in impermeable area for the development. The reason for this is that once the existing buildings have been demolished the existing impermeable area of the development is the impermeable area remaining. Any new extension will increase this impermeable area and if this is above 20m² then the developer must comply with the hierarchy.

As per the drainage standing advice, a condition is recommended which will require the submission of full details of the drainage if infiltration using a soakaway or other sustainable drainage system is not utilised. With the addition of this condition the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

6. Ecology

The application has been accompanied by a preliminary ecological appraisal update and a bat emergence/activity survey. The ecology reports consider the works put forward, in addition to works proposed via a previous application.

Objectors have raised concerns relating to biodiversity and ecology.

The DCC Ecologist has considered the proposal and has confirmed that the proposal is acceptable from an ecological standpoint subject to the imposition of conditions. They confirm that a single Common pipistrelle was observed foraging intermittently within the curtilage for the entire bat emergence survey. Foraging and commuting bats may be negatively impacted by this development although it is noted by the DCC Ecologist that the species recorded utilising the site are common, light tolerant species. A condition is recommended requiring details of external lighting. A preliminary roost assessment of buildings was undertaken in April 2021 with an external inspection of all buildings on site. The assessment identified two buildings onsite; an existing two storey property and a stone built outbuilding which has a pitched slate roof covering in part as well as a flat roof. Both buildings were deemed by the consultant ecologist to offer 'low-medium' bat roost potential due to the presence of gaps and potential roosting features. A single bat emergence survey was recommended for each building to ascertain bat presence/likely absence and this survey was undertaken on 10th May 2021. A follow up bat survey was undertaken in

May 2023 to update the 2021 survey results. No bats were observed emerging from either building during either survey. It is noted that the Bat Conservation Trust Bat Survey Guidelines are indeed guidelines, and it is left to experience of the bat ecologist as to the amount of survey effort required to determine the presence/likely absence of bats (as per Section 1.1.3 of the guidelines). The DCC Ecologist is satisfied that the consultant ecologist has provided sufficient ecological rationale for the deviation away from published guidance in this instance. It is also noted that the site temperatures during the survey (as detailed in Page 6 of the submitted ecology report) were 13C at the time of survey, which is deemed suitable and in line with guidance. A condition is recommended requiring adherence to the actions set out in the bat emergence/activity survey. A condition is also recommended which requires vegetation clearance and building work to take place outside of bird nesting season unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds.

With the addition of the recommended conditions the proposal is considered to comply with Policy NC1 of the Torbay Local Plan.

7. Trees

Policy C4 of the Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

The site is protected by 1973.01 Area TPO and lies within the Lincombes Conservation Area. Both the TPO and Conservation Area provide statutory protection to the trees impacted by the development.

Objectors have raised concerns relating to the impact of the proposal on trees.

The Council's Senior Tree Officer originally confirmed that they had no objection in principle to the development. They would however require the submission of a Tree Protection Plan and Arboricultural Method Statement for the proposed resurfacing works in the root protection area of T7. Following receipt of this comment a tree protection plan was submitted for review. The Officer has confirmed that the plan has addressed all of their concerns, and the tree removal and surfacing (T7) replacement has been clearly set out. A planning condition is recommended to secure the implementation of the tree protection as per Plan 818-TPP. With the addition of this condition the proposal is considered to accord with Policy C4 of the Local Plan.

8. Loss Of A Community Facility And Potential Use of Site For Horticulture

Paragraph 97 of the NPPF states that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

(a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

(b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

(c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

(d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

(e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

An application to register Singleton Gardens as an Asset of Community Value has been rejected by the Council but it is still necessary to consider the objections that have been received related to the loss of potential use as a community garden, and for associated community projects, that the proposal will not add to the local community and that the site should be restored for use for horticulture or as a community garden.

The site is privately owned and is not currently in use for community purposes or for horticulture. The planning history shows that development proposals have been promoted since 2019. It is unclear when any substantive community or horticultural use ended before 2019. Singleton Gardens has been a private house with a large garden for some time. Both the horticultural use and any community use appear to have been minor. Reference has been made to fruit and vegetables being able to be purchased from a shelf behind the door on Meadfoot Sea Road (no doubt like many proprietors selling surplus produce by the roadside). Any community use appears to have ended many years ago. There is no policy requirement for a community use or horticultural use in the area. There does not appear to be a realistic prospect of the site being used for community purposes or for a horticultural use in the future.

Statement on Human Rights and Equalities Issues

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

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

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.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is concluded that the proposal in terms of addressing the Development Plan would enhance the designated and non designated heritage assets, would be in keeping with the existing streetscene and would not have an adverse impact on the surrounding area in terms of its size, scale, design and impact on neighbouring amenity. Matters of trees, ecology and drainage are adequately addressed. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Conclusions and Reasons for Decision

The proposal is acceptable in principle and would result in an enhancement to the character of the area and designated and non designated heritage assets. Matters relating to amenity, ecology, trees and drainage are acceptable. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

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.

If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

Conditions

1. Drainage

Prior to any development above slab or ground level or creation of any new hardsurface taking place, details of the proposed means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

The details of the means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. As Torbay is a Critical Drainage Area the submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall 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 a 50% allowance for climate change. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus 50% allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations.

The development shall not be utilised until the approved surface water drainage system has been completed as approved and it shall be continually retained and maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan

2. Joinery and Fenestration Details

Notwithstanding the details of the approved plans, prior to the installation of new/replacement external joinery, full details of that joinery shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

3. Tree protection measures

The development hereby approved shall be carried out in full accordance with the approved Tree Protection Plan reference '818.TPP'.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policies NC1 and C4 of the Torbay Local Plan.

4. Materials

The roof material shall be carried out in accordance with the details contained within approved plan '818-EM1' and shall be retained as such thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

5. Bird nesting season

No vegetation removal including hedgerows, trees or shrubs or building work shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

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

6. Ecology Report

The conclusions and recommendations given in the 'Bat Emergence/Activity Survey #04623/GLE' dated May 2023, shall be followed, including precautions to prevent threat of harm during construction works and timings of works.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

7. External lighting

Prior to the installation of any external lighting within the site, full details including their design, siting and levels/type of illumination shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed in full accordance with the approved details. No further external lighting shall be provided within the site.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

Informative(s)

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

Relevant Policies

C4 – Trees, Hedgerows and Natural Landscape Features

DE1 – Design

DE3 – Development Amenity

DE5 - Domestic Extensions

ER1 – Flood Risk

ER2 – Water Management

NC1 – Biodiversity and Geodiversity

SS10 – Conservation and the Historic Environment

TH8 – Established Architecture