

TORBAY COUNCIL

Application Site Address	Brunel Manor, Teignmouth Road, Torquay TQ1 4SF
Proposal	Application for listed building consent for the conversion of Brunel Manor to provide 17 dwellings. Includes the redevelopment and conversion of land at Brunel Manor, 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/2023/0606).
Application Number	P/2023/0616
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. The conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency. 2. 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	Listed building consent application linked to major planning application P/2023/0606
Planning Case Officer	Jim Blackwell

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 adjacent the site.

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

This is an application for listed building consent for the conversion of Brunel Manor to provide 17 dwellings. The wider scheme subject of the planning application includes the redevelopment and conversion of land at Brunel Manor, 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. It would 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		17

In addition:

- 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.

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, particularly heritage, design and landscape.

The 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

Listed building consent is required for any works for the alteration or extension of a listed building in any manner which would affect its character as a building of special architectural or historic interest (Section 7: Planning (Listed Buildings and Conservation Areas) Act 1990). This includes works that require planning permission but it also includes works that may not, for example internal alterations.

Under Section 1(5) (a) any object or structure fixed to the building; and (b) any object or structure within the curtilage of the 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. As a consequence Brunel Court and Brunel Lodge are to be treated as part of the listed building.

Under Section 16, in considering whether to grant listed building consent for any works the local planning authority 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.

Under Section 72, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 2012-2030 ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Heritage issues.
- 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 objecting, 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.
- 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

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.

Devon and Cornwall Police:

No objection.

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.

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 William 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.

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.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of development
2. Impact on heritage assets
3. Design and visual impact
4. Ecology and biodiversity
5. Design out crime
6. Low carbon

1. Principle of development

The proposal is for residential conversion and includes a demolition of 20th additions, a range of repairs, renovation and conservation of existing fabric and features. There are no policy conflicts identified with regard to the principle of the proposed development relating to the listed buildings and structures.

2. Impact on Heritage Assets

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "*In considering whether to grant listed building consent for any works 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 onto 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. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

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 TH10 of the Torquay Neighbourhood Plan supports alterations to listed buildings where they safeguard and enhance their historic qualities and elements according to their significance.

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 the civil engineer 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 – 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 17 units (see table above). 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 not listed in their own right but are principal ancillary buildings to Brunel Manor. Brunel Court is the former stable block complex already converted into five residential units. They are not listed in their own right but 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 Court and the Gardens and wider landscaping.

This listed building consent application relates to Brunel Manor. 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 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, particularly as the buildings original intended use was residential. 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 design evolution 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 will 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.

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

Historic England were consulted at pre-application stage. During the application they 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 planning application Officer report.

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:

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

The setting of listed buildings

The setting of listed buildings is dealt with largely in the planning application Officer report. 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 supported.

Conclusion on setting

The key consideration relates to the impact on the setting of the listed building. The removal of modern and poor quality additions and built elements is considered positive.

Conclusions

The above conclusions have consideration of Paragraph 205 of the NPPF which identifies that when considering the impact of a proposed development works 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.

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 listed building consent 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.

3. Design and visual Impact

With regards to design, the National Planning Policy Framework (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.

In terms of the Listed Building Consent application, the key benefits can be seen through the removal of poor quality 20th century additions.

Conclusion

Subject to the suggested conditions, the proposal is therefore deemed to comply with Policies DE1 and DE5 of the Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

4. 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 Torquay 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.

The site lies:

- approx. 820m west of Lyme Bay and Torbay SAC.
- and borders Brunel Woods OSWI to the south and west of the site.

In terms of the listed building consent application relating to Brunel Manor, 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 will require a licence, the site will require consultation with Natural England concerning a European Protected Species (EPS) Mitigation Licence (Bats).

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

5. Low Carbon / Climate Change

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 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.

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

6. Designing Out Crime

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 the suggested condition, the proposal is therefore deemed to comply with Policies DE1 of the Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. 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 buildings have been vacant for a number of years and this development would them 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, ecology and biodiversity 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.

Planning Balance

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

Conclusions and Reasons for Decision

The proposal is acceptable in principle as it would not result in unacceptable harm to the listed building, its setting and the setting of other listed buildings, the conservation area and the historic garden. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

The works are also considered to have a positive impact on the listed building with the added public benefit through the continued use of this key heritage asset.

The proposals are considered to be in accordance with the provisions of the Development Plan. The Officer recommendation is therefore one of conditional approval.

Officer Recommendation

Approval subject to:

1. The conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.
2. 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.

Pre-commencement conditions

1. Protecting architectural features

Prior to the commencement of any works details identifying the architectural features which are to be retained and the method by which these features will be safeguarded during the carrying out of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in place in accordance with the details so approved for the duration of the development works.

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

This is a pre-commencement condition because the works comprising the development have the potential to harm retained architectural features and therefore these details need to be agreed before work commences.

2. Written Scheme of Investigation

Prior to the commencement of any works, the implementation of a programme of archaeological work shall have been secured in accordance with a written scheme of investigation (WSI) which has previously 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. The development shall be carried out at all times in accordance with the WSI which shall be implemented in full. No building shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI.

Reason: To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012 - 2030 and paragraph 211 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.

This is a pre-commencement condition because the works comprising the development have the potential to harm retained architectural features and therefore these details need to be agreed before work commences.

Conditions

3. Materials

The works hereby approved shall be constructed in full accordance with the materials specified on the approved plans unless otherwise agreed in writing. Once constructed no further changes to the masonry finish including colour shall be permitted without the prior consent of the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with the requirements of policy DE1 of the Torbay Local Plan 2012-2030.

4. Schedule of works

The conservation repair works shall be completed in accordance with the approved schedule of works and shall be retained as such at all times thereafter.

Reason: In order to preserve the heritage asset in a manner appropriate to its significance and in order to comply with Policies SS10 & HE1 of the Torbay Local Plan 2012-2030.

5. Joinery details

No installation of the panelling/staircases/cornice/arcading/new openings/glazed screens/doors shall commence until full details have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out only in accordance with the approved details and retained thereafter.

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

6. Matching details

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

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

7. Ecology Mitigation Measures:

The development shall proceed in full accordance with the submitted and approved Ecological Impact Assessment Report (dated September 2023 ref. no. 1348-EcIA-SC by GE Consulting).

Reason: In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

8. No works during bird nesting season

No demolition or site clearance works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds and a record of this kept.

Reason: 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.

9. Police recommendations

Prior to the first use of the development hereby approved, a scheme of measures for designing-out crime shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully installed prior to the first use of the development and shall be permanently retained thereafter.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Torquay Neighbourhood Plan policy TH2.

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.

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.
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