

14. THE BUILT ENVIRONMENT

The Torbay towns

14.1 The three major towns that comprise Torbay - Torquay, Paignton and Brixham - are very different both in terms of their present character and their history. Paignton and Brixham are older than Torquay; in fact the settlements date back to Saxon times. In the Middle Ages, Paignton was an important town, and country seat of the Bishops of Exeter. The town expanded significantly in the mid-nineteenth century following land reclamation from the sea and the arrival of the railway. Brixham originally developed as two separate areas of settlement, one around St. Mary's Church and one around the harbour, but has since expanded to become one, largely as a result of the importance of the fishing industry. Until the eighteenth century, Torquay consisted of several distinct, and in some cases historic, hamlets but following the strategic importance of the Bay as a naval base and anchorage during the Napoleonic wars, it grew to become a fashionable watering place and holiday resort.

14.2 Torbay also embraces a number of rural settlements. Some of these are still distinct, such as Cockington, Churston, Galmpton and Maidencombe, whilst others have been subsumed by later development, especially in Torquay. A number of these settlements are of considerable antiquity and have distinctive characteristics.

14.3 Attractive environments are part and parcel of Torbay's quality of life and as such represent an important aspect of sustainable development. It is important to maintain these environments not just for their own sake, but because their rich and varied nature is vital to the economic health of the resort and they are important as places where people live and work.

14.4 It is necessary not only to recognise that the existing urban and rural fabric is a resource but also to try and make the best and fullest use of it. PPG15 'Planning and the Historic Environment' (1994) states at the outset: "It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment" (paragraph 1.1).

Conservation Areas

14.5 The concept of the Conservation Area is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a duty

on the Local Planning Authority to decide which areas have a special architectural or historic character to be preserved or enhanced. In this way the Act recognises the need to protect Conservation Areas from deterioration due to decay, neglect or potential threats from unsympathetic redevelopment and alteration.

14.6 The character of a Conservation Area does not necessarily depend on the presence of listed buildings. The emphasis is on the area as a whole rather than on individual buildings. The groupings of the buildings themselves, the curve of the street, trees or open spaces may all be significant features of a Conservation Area. The Council aims to focus its powers on these areas, allowing change and renewal where appropriate, but ensuring that individual characteristics are preserved and enhanced. This does not mean stagnation; conservation will always be the prime objective, but the needs for change and renewal are often as great as the need for preservation.

14.7 There are 24 Conservation Areas within Torbay:-

Torquay

Torquay Harbour
Warberries
Lincombes
Chelston
Cockington
St.Marychurch
Babbacombe Downs
Maidencombe
Barton
Cary Park
Belgravia
Watcombe Park
Torre
Tormohun
Upton
Abbey Road

Paignton

Old Paignton
Polsham Park
Roundham
Shorton

Brixham

Churston Ferrers
Brixham Town
Higher Brixham
Galmpton.

14.8 Many of these areas are continuing to experience considerable pressures for change. This is

especially true in low density areas, where large properties set in extensive grounds lend themselves commercially to redevelopment. In the past this has often been in the form of high rise flats, totally out of scale with the surrounding areas and destroying their charm and character. Pressure for change should not necessarily be seen as a negative factor. Many of Torbay's Conservation Areas have been designated 'warts and all' and contain areas of very mixed quality, including past development that is totally out of context with the surrounding area. Redevelopment or alterations to existing buildings may provide opportunities to design more appropriate new buildings or to restore lost or degraded features. The **Environmental Guide** contains townscape analyses of the 24 Conservation Areas in Torbay, which should help to identify constraints and opportunities.

14.9 Current legislation places a strong emphasis on the need to preserve or enhance the character or appearance of Conservation Areas. This is seen as a crucial criterion when assessing applications for development in Conservation Areas. Development which fails this test will not be approved unless there are public benefits in doing so. The Council will also continue to exercise stringent control over demolition that requires permission or consent. In particular it will seek the retention and conservation of buildings of historic or architectural merit.

14.10 Policy BE5 outlines the Council's strategy for Conservation Areas. It includes issues such as the control of demolition, alterations and extensions, boundary features and design aspects, as well as the control of development in adjacent areas which could impact significantly on the townscape and environmental qualities within Conservation Areas.

Listed buildings

14.11 Buildings which are listed as being of Special Architectural or Historic Interest represent an important ingredient of the built environment. In Torbay, they are many and varied in type, from medieval churches through the vernacular buildings of later centuries to the cottages, villas and terraces of the Victorian era. A few notable buildings of the period between the two world wars have been included in the most recent lists.

14.12 The Statutory List of Buildings of Special Architectural or Historic Interest has been reviewed and new lists were published in 1993. These lists contain some 840 entries, an increase over the old list of more than 40%. The list contains detailed descriptions which serve to draw attention to particular

aspects which are important to the character of the buildings, although these descriptions do not itemise all the features of interest and should only be used for the purpose of identifying the building.

14.13 Policies BE6 and BE7 intend to ensure maximum protection of listed buildings from inappropriate development, whilst encouraging as much flexibility as possible in order to bring about their conservation and the establishment of suitable uses for them. **Policy BE6** also has regard to the need for further listing where this is appropriate.

14.14 The Local Plan puts forward a range of policies and proposals designed to preserve and enhance existing amenities, to remove eyesores and to ensure that new development is appropriate in scale and design to its surroundings. In this respect, the Council is particularly concerned that new development should reinforce the identity of the settlements that lie within Torbay. More detailed guidance is contained in the **Environmental Guide**.

Archaeology

14.15 Torbay is rich in archaeological remains, which vary from buried sites and shipwrecks to standing structures. They span an enormous time scale from the stone age to the twentieth century. The most significant sites are protected by law as Scheduled Monuments in recognition of their national importance. There are currently fourteen such sites in Torbay, two of which also fall partly within South Hams:-

Torquay

Walls Hill
Kents Cavern
St. Michaels Chapel, Chapel Hill,
Torre Abbey

Paignton

Bishop's Palace
Broadsands chambered tomb
Two bowl barrows, near the Beacon, Beacon Hill (partly in South Hams District)
Two prehistoric hilltop enclosures, ditch system and four bowl barrows, near Barton Pines Inn (partly in South Hams District)

Brixham

Ashhole Cavern
Windmill Hill Cave
Battery Gardens
Berry Head Fort no. 1 (The Old Redoubt)
Berry Head Fort no. 3
Hardys Head Battery

14.16 This list is currently under review and it is possible that more such sites will be identified.

14.17 In addition to Scheduled Monuments, there are several hundreds of other sites recorded in the Historic Environment Record which is maintained by the Council. Although these sites are not protected by law, they are a significant part of our heritage and the Council will be guided by its Archaeologist in endeavouring to protect these remains. The Historic Environment Record is growing all the time as new sites and objects are discovered.

14.18 PPG16 'Archaeology and Planning' (1990) (paragraph 6) advises that: "Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about our past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism".

14.19 One of the problems with archaeological remains is that many are undiscovered until excavation, often in connection with redevelopment taking place. This emphasises the need to identify them at an early stage in order to ensure that they can be preserved or recorded. **Policies BE9** and **BE10** address both these issues and also the need in appropriate cases to enhance the setting of preserved remains.

Environmental enhancement

14.20 A number of Local Plan policies and proposals seek to improve the quality of the environment. The Council has a statutory duty to formulate proposals for the preservation and enhancement of Conservation Areas and will have a broader responsibility to promote environmental improvements under the Local Government Act (2000). The aim is also to promote environmental enhancement schemes in key urban and rural areas where there is scope for improvement. In particular opportunities for improvement are identified in town centres and in locations where traffic management and traffic calming measures are being carried out. If carefully designed, such measures can introduce visual amenity improvements, for example through use of appropriate surfacing and street furniture. In addition, **Policies BES, BE1** and **BE2** aim to enhance the attractiveness of public spaces.

14.21 Wherever possible, the Council will seek partnership with businesses and the community in enhancement schemes. An example of this is the Winner Street and Church Street Heritage Economic Regeneration Scheme. This was a three year scheme which achieved improvements to shopfronts, pedestrian access and signage.

14.22 Town Centres and harbours are focal points within Torbay and it is important that their natural charms are positively enhanced. The economic importance of an attractive shopping environment is underlined in Chapter 6 Shopping and Town Centres. Shopping centres are probably the most important meeting places in a town for residents and tourists alike. Environmental improvements will increase their social attractiveness in addition to making shopping a more pleasant experience. **Policies BE3** and **BE4** deal with shopfronts and advertisements, whilst proposals for environmental improvements in the main shopping centres and elsewhere are included in Chapter 15 (see **Policies T4 Torquay town centre improvements, T5 Paignton town centre improvements, T6 Brixham town centre improvements** and **T7 Access for people with disabilities** and **T24 Traffic Management Zones**). The regeneration and enhancement of the Harbourside and surrounding waterfront area are included in Chapter 5 (see **Policy TU1 Harbourside and Waterfront Regeneration**) and Chapter 4 (see **Policy E8 Northern arm breakwater**).

14.23 **Policy BE11** defines a hamlet envelope around Edginswell and **Policy BE12** seeks to control the conversion of buildings to new uses in rural areas.

New development

14.24 Torbay's environment is its finest asset. New development must not detract from its natural charms or its attractive buildings and should be designed to complement them. In some parts of Torbay unsympathetic redevelopment in the past may have degraded the quality of the environment but this should not be regarded as constituting a precedent for further inappropriate intrusions. Rather it should be seen as a reason for securing improvements and raising the quality of urban design. In areas of high quality, the need for commensurate quality in new development should be self-evident but in either case the Council will seek to encourage good contemporary design which is responsive to its setting.

14.25 There are strong social, economic and environmental reasons for attempting to raise the quality of design in the built environment. The surroundings in which people live, work and spend their leisure time

can affect the way in which they feel about that place and the way others, such as investors, view the area. A poor environment for example can affect the perception of safety. PPG1 'General Policy and Principles' (1997) (paragraphs 13 - 20) places a strong emphasis on good urban design in new developments.

14.26 Current Government advice is to maximise new development within urban areas. However, it also stresses that this can only be achieved by a high standard of design (PPG3 (2000) paragraphs 54-56). It is important that the quality of life for existing and new residents is not compromised by over-development (town cramming) and / or unsympathetic development. The Urban Housing Potential Study, whilst seeking to maximise opportunities for new housing development in urban areas, has been prepared with these important environmental considerations in mind. **Policy BES** sets out a strategy for the conservation and enhancement of the built environment. **Policies BE1** and **BE2** outline the Council's general requirements for the design of new development, including contextual, landscaping and environmental factors, whilst the **Environmental Guide** provides greater detail on a wide range of design issues.

THE BUILT ENVIRONMENT POLICIES AND PROPOSALS

BES Built environment strategy

Proposals should conserve or enhance the built environment, ensuring that the integrity of local character and distinctiveness is protected. Development will not be permitted where it would harm features of historical, architectural and archaeological value or interest.

Explanation:

14.27 The Local Plan strategy aims to treat environmental conservation as an underlying theme to the Plan. Torbay's built environment is regarded as an important resource which should be conserved or enhanced wherever possible both within Conservation Areas and elsewhere.

BE1 Design of new development

Proposals for new development which have an impact on the townscape or landscape should be designed to take account of their wider context in terms of scale, density, massing, height, landscaping, layout and access and the promotion of safety and security. Positive enhancement of the

built environment will be sought, in particular in Conservation Areas.

Explanation:

14.28 It is essential to maintain and improve the quality of the local environment. This is of importance both for the people who live in the area and for an area such as Torbay that depends on tourism as the mainstay of its economy.

14.29 The Council is keen to promote good design, and to achieve development which takes into account the defining characteristics of its surroundings whilst enhancing its setting. In highly formal, controlled and uniform urban areas, design solutions need to be based closely on existing patterns. However, it must be emphasised that regard to context does not always imply a need to mimic the surroundings or architectural styles from the past. It is often more acceptable to design in a manner which is up to date, whilst making subtle references to its surroundings.

14.30 The Council will support the introduction of Village Design Statements prepared by a local community, provided such Statements are in conformity with the relevant policies and proposals of the Local Plan. Statements can be important where they help to safeguard the character of an area and protect it against harmful development. A Village Design Statement seeks to describe distinctive local character and to set out clear and simple guidance to ensure that any new development fits with its surroundings. This may be a useful form of guidance for Torbay's rural settlements. Such a process can lead to greater community involvement in planning issues and help instigate more appropriate forms of development. Each Village Design Statement will form Supplementary Planning Guidance to the Local Plan.

14.31 It is essential that good design is incorporated into development that affects Conservation Areas, the settings of listed buildings and other protected sites. Development in Conservation Areas requires skilful appraisal of the existing character of the area and sensitivity to matters such as scale, form massing and detail. While context is clearly important, this does not mean that modern developments within Conservation Areas must necessarily be made to look old, for this approach can devalue genuinely old and interesting buildings.

14.32 Applicants should have regard to the advice set out in PPG1 'General Policy and Principles' (1997) (Annex 1) and should consider the additional information relating to urban design principles such as

designing out crime, which are set out in the **Environmental Guide (Section 6)** and **Policy CF2 Crime prevention**, when proposing new development.

14.33 Adequate drawings must always be submitted at a sufficient scale and in sufficient detail to enable proposals to be clearly understood. Drawings will usually need to show a proposal in its context and this should include the position of existing buildings and watercourses, boundary walls and fences, gates and access routes, both within the site and in the near vicinity. In particular, all significant trees, shrubs and hedgerows and other natural features should be accurately plotted as well as their spread. Where appropriate, perspective views or models may be required but in most cases, details of levels, cross sections and elevations showing the street scene will be sufficient. In appropriate cases the Council will issue design briefs which will set out important guidelines and criteria for the design process.

14.34 Failure to supply adequate drawings may result in applications being returned to the agent. Architectural details are important and should be shown, as well as apparently minor elements such as rain water pipes, flue terminals and burglar alarms, each of which can have a considerable impact on the appearance of a building. These details should be considered from the outset, and not as an afterthought. Early consultation with the Development and Conservation Services Division is encouraged so that the implications of development can be fully considered, especially on difficult or controversial sites.

BE2 Landscaping and design

Proposals for new buildings should incorporate landscaping of the site, at an appropriate scale, as an integral part of the design. Landscaping should relate to the character of the surrounding area and make the best use of the existing site features.

Explanation:

14.35 Good quality landscape design should incorporate ‘soft landscaping’ using trees, plants and other natural features and ‘hard landscaping’ by providing paved areas, screening and enclosing elements such as walls and railings. It is more than just a device to screen otherwise inappropriate development. Good landscaping can provide enclosure or define spaces, create shelter, act as a focal point, give seasonal colour or variation and attract wildlife by creating new wildlife habitats. Landscape design therefore needs to be considered from the outset.

14.36 Where possible existing trees, hedges or other existing natural features should be retained and incorporated into new development, to provide immediate screening and to ensure that new development respects existing landscape features.

14.37 Landscaping should be designed so that it is appropriate for the proposed development and is in context with its surroundings (see also **Policies NCS Nature conservation strategy** and **L10 Major development and landscaping**).

14.38 Maintenance of both hard and soft landscaping should be a fundamental design consideration, as continuing upkeep can be expensive and failure to maintain them can be harmful to amenity. In suitable cases, the Council may agree to take responsibility for the maintenance of public areas, for example in housing development and will normally require a commuted payment in consideration of this. Where appropriate, landscaping schemes should use plant material which is indigenous to the Torbay area.

BE3 Shopfront design

New shopfronts will be permitted if they are designed for their context having regard to the following:-

- (1) the character of the surrounding area;**
- (2) the proportions, scale and architectural design of the buildings of which they form part;**
- (3) the need for retention of well designed or historically significant existing shopfronts and associated architectural detail;**
- (4) proper provision being made for the incorporation of any relevant and reasonable advertisements;**
- (5) shop blinds being of an appropriate type and not obscuring the fascia or other important architectural features;**
- (6) allowance being made for the installation of unobtrusive shutters where those are necessary;**
- (7) appropriate lighting; and**
- (8) enhancement of the environment where possible.**

Explanation:

14.39 Shopfronts are quite literally the public face of commercial activity. As such, they are an important expression of the personality of a business. They are also a very significant component of the street scene.

Properly designed, they can contribute positively to the character and vitality of a shopping street. Conversely, poor designs can clash with the character of their surroundings.

14.40 Shopping streets are many and varied. In some cases, parades of shops are designed as a unified concept. Others have a more varied character as a result of piecemeal development. The way in which shopfronts are designed will need to be responsive to this. Particular care may be needed in the design of individual shops in residential areas. Many modern shopfronts have been designed without any reference to the building of which they form a part. The desire for maximum window area and the biggest possible area for advertising can result in a complete clash of style and a building with no visible means of support. Traditional examples, on the other hand, usually have an architectural framework which both acts as a 'picture frame' for the window display and provides visual support for the building above. Good examples of traditional shopfronts should always be retained where possible and opportunities should be taken to restore missing or damaged architectural detail. For example, supplementary planning guidance 'Shop Front Design Guidance' (April 2000) is available from the Council's Development and Conservation Services Division for the area covered by the Winner Street Heritage Economic Regeneration Scheme (HERS).

14.41 There should always be adequate provision for advertising so that relevant material can be satisfactorily incorporated into the overall design of the shopfront. Shop blinds can have a considerable impact on the building and the street scene and in most cases they require planning consent. Permission will not generally be given for blinds which obscure architectural detail or cover up fascias. Traditional roller blinds will always be preferred to fan or Dutch blinds and glossy plastic material should be avoided.

14.42 The Council recognises the need to incorporate security measures in vulnerable shopfronts. These should, however, be as unobtrusive as possible. Plate glass and internal grilles which do not require planning consent should be considered. Roller shutters are unsightly, attract graffiti and create a dead frontage at night-time, which can contribute to the creation of an atmosphere of fear in an area. Therefore they will only be accepted as a last resort or on open shopfronts where no alternative solution is possible.

14.43 Where lighting is required to illuminate signs or goods on display, the type of fitting and level of illumination should be in harmony with the location of

the shop, the design of the shop front and the building in which it is set. The intensity of illumination must not be at a level which is a hazard to public safety. Further references to advertisements and shopfronts can be found in the **Environmental Guide (Section 11)** and supplementary planning guidance set out in the Council's leaflet entitled 'Advertisements and Shopfronts'.

BE4 Advertisements

Advertisements will not be permitted where:-

- (1) they would be out of scale and character with the surrounding area;**
- (2) they would harm visual amenity; and**
- (3) they would undermine highway safety.**

Explanation:

14.44 Properly managed and well-designed advertising can add enormously to the colour and vitality of commercial areas, but in the wrong place it can appear out of place and distasteful or even offensive. The land use and visual character of an area are crucial in determining what is the appropriate level of advertising.

14.45 Most advertisements appear in the context of buildings and it is important that they fit in with the character of any buildings to which they relate.

14.46 Large advertisement hoardings can have a powerful impact on the street scene. The Council is concerned to control them carefully to ensure their effect is minimal and not detrimental to the surrounding area. In sensitive situations, hoardings may need to incorporate other design features to soften their impact. Smaller advertisement signs, such as the 12 sheet size, may be acceptable in appropriate situations subject to the criteria set out in this policy.

14.47 Proposals for hoardings which contribute to the environmental improvement of unsightly sites will be supported in principle on a temporary basis, subject to the criteria set out above and to their removal when the site has been developed.

14.48 In recent years, major companies have adopted a corporate house style for all their business premises. It may not always be appropriate for standard corporate identity signs to be applied to existing buildings, particularly in areas of high environmental quality such as Conservation Areas.

14.49 In addition to Conservation Areas, there are Areas of Special Control of Advertisements in Torbay. These have been reviewed and updated by the Development and Conservation Services Division. They are likely to include Areas of Outstanding Natural Beauty, Areas of Great Landscape Value or Conservation Areas which require special protection due to amenity reasons. Additional information which illustrates further issues such as lighting is detailed in the **Environmental Guide (Section 11)** and the planning guidance leaflet 'Advertisements and Shopfronts', available from the Development and Conservation Services Division.

14.50 Advertisements can constitute a traffic hazard. PPG19 'Outdoor Advertisement Control' (1992) (paragraph 15) indicates that signs should not be approved where they are likely to be so distracting or confusing that they would create a hazard or endanger people in the vicinity who are taking reasonable care of their own or other safety. Such signs will not be given Advertisement Consent.

BE5 Policy in Conservation Areas

Development within or affecting a Conservation Area will only be permitted where it will preserve or enhance the character or appearance of that area.

Explanation:

14.51 There are twenty four Conservation Areas in Torbay; the first (Churston) was designated in 1970 and the latest (Polsham Park) in 2001. These are listed in paragraph 14.7 of the Introductory text to this chapter. Clearly there is a finite number of Areas which can justifiably be designated but criteria do change as do threats to environmental quality. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to determine which parts of their areas should be designated as Conservation Areas and to review their boundaries "from time to time". The Council intends to honour this requirement and keep the area under review for potential new and expanded Conservation Areas. Character statements for each of these areas have been prepared and can be found in the **Environmental Guide (Section 13)**.

Demolition within Conservation Areas

14.52 Conservation Areas (and listed buildings) are protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires consent to be obtained for the demolition of buildings in

Conservation Areas, in addition to planning permission for development. The demolition of buildings or boundary features within Conservation Areas can seriously harm the character and appearance of areas. Many buildings of quite modest or even negligible architectural merit can still be of importance in Conservation Areas where they form part of a street façade or maintain a pattern of building and open space. In addition many older buildings and features contribute to the character and appearance of Conservation Areas because of their age and historic associations.

14.53 If key buildings are demolished, the result can be an unsightly gap which may remain undeveloped for years; thus where demolition is granted it will be subject to an appropriate condition ensuring that demolition only takes place in conjunction with the redevelopment. To ensure that subsequent development is appropriate in its context, the Council will use its development control powers. Only in instances where the existing building is structurally or financially impractical to retain, has no architectural, historic or townscape merit, where archaeological investigation of the site is required, or where redevelopment of the site is of over-riding benefit to the area, will the Council consider an earlier demolition.

14.54 Many Conservation Areas owe their character to a significant extent to the presence of boundary walls of local stone. In hilly areas, these can act as retaining walls and in parts of the Warberries and Lincombes in Torquay, for example, they form the dominant image of the area. Some are actually listed in their own right but others are protected by the fact that they form part of the curtilage of a listed building or because they are in Conservation Areas. The Council aims to ensure that these walls are retained and that, where repair or reconstruction are required, this is carried out sympathetically.

14.55 Not all boundary walls make a positive contribution to the character of Conservation Areas and in such cases the Council will consent to their replacement or demolition if appropriate.

Alterations in Conservation Areas

14.56 Roof materials, chimneys, cornices and mouldings, original windows and shopfronts, railings and boundary walls can all make an important contribution to the character of a Conservation Area. The Council will introduce Article 4(2) Directions to bring such items under normal development control.

14.57 Alterations and extensions of buildings in Conservation Areas can easily lead to their visual character being completely spoiled by alterations or extensions which on houses (but not flats or commercial properties) can often be carried out as permitted development. Examples are porches, stone cladding, PVCu windows, dormer windows and satellite dish aerials. The Council's officers will advise applicants and, where appropriate, discourage such alterations from being undertaken. In suitable areas, Article 4(2) Directions will be considered as a means of preventing unsympathetic change by withdrawing permitted development rights for a prescribed range of development affecting the external appearance of dwelling houses. Such Directions will be subject to public consultation before they can be implemented.

14.58 It is recommended that when submitting outline planning applications for development within Conservation Areas, details relating to elevations, height, massing and scale are considered. At the very least, a feasibility study should be completed. For sensitive sites, this alone will not be sufficient and it may be necessary to submit proposals in considerable detail.

14.59 Inappropriate development just outside the boundary can be as damaging to the character of the area as if it were sited within the Conservation Area. Therefore, development on the fringes of Conservation Areas must be considered as carefully as that within the boundary.

Preserving and enhancing Conservation Areas

14.60 A commitment to preserving and enhancing Conservation Areas covers a whole range of considerations from land use and traffic management, to detail such as window proportions and street furniture. Over and above development control measures, the most effective contribution which the Council can make is through the promotion of enhancement schemes. Subject to resource implications, the Council aims to undertake a co-ordinated programme of enhancement in Conservation Areas and to review it from year to year. Where required, advisory colour schemes and refurbishment suggestions for suitable groups of buildings will be prepared and where possible the Council will seek commercial sponsorship or offer grant aid for such schemes. The 'Winner Street and Church Street Heritage Economic Regeneration Scheme' (HERS) is an example of Conservation Area enhancement.

14.61 The aim will be to ensure that changes are sympathetic and features that make a positive contribution to the character of the Conservation Area are not lost. The Council will seek to ensure that paving, landscaping, road design and street furniture are appropriate and well designed. Where appropriate, considerations of amenity will take priority over those of traffic engineering, so long as safety is not compromised (see **Policy T26 Access from development on to the highway**).

BE6 Development affecting listed buildings

Development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses.

Planning proposals for the alteration or extension of any listed building will not be permitted if the character of the building would be adversely affected by the change.

Explanation:

14.62 Section 54A of the Town and Country Planning Act does not apply to decisions on applications for Listed Building Consent. In these cases there is therefore no statutory duty to have regard to the provisions of the development plan (PPG15 'Planning and the Historic Environment' (1994), paragraph 2.4). However, PPG15 indicates that development plans should address works to listed buildings that also constitute development. In exercising their development control function, Local Authorities should have special regard to the desirability of preserving any listed building, its setting and features of special architectural or historic interest which it possesses. Some works to listed buildings, such as internal alterations, may not require planning permission. However, any such works would require Listed Building Consent from the Council, as would proposals for demolition or partial demolition of any listed building. There is a strong presumption in the relevant legislation in favour of retaining such buildings unless there is an overriding reason for their demolition.

14.63 There is a commonly held belief that only parts of a building may be listed or that the interior of a Grade II building is not covered by the listing. This is quite incorrect; the only criterion for determining if work requires listed building consent is whether the work affects the building's character as a listed building. This means that any work to a listed building,

including work on hidden features, could require consent. More detailed guidance on considerations that apply to applications for Listed Building Consent are found in Section 14 of the **Environmental Guide**. This also contains advice on the repair and maintenance and provision for the spot listing of historic buildings.

14.64 Where appropriate, the Council will impose conditions requiring archaeological recording to ensure that the historic interest of buildings is preserved by record. More details of this are given in **Policy BE10 Recording of archaeological remains**.

BE7 New uses for historic buildings

Suitable uses for historic buildings will be permitted, where this would help to preserve their historic fabric and character. In appropriate cases, planning policies may be applied in a flexible manner to accommodate such uses, but changes of use which damage the fabric or character of an historic building will not be permitted.

Explanation:

14.65 An empty building is a wasted resource and a building without a use can seldom be preserved indefinitely. The key to successful conservation lies in keeping buildings in appropriate economic use, and many imaginative uses can be found for buildings whose original purpose may no longer be feasible. In such cases, car parking standards, privacy or open space standards to the requirements of the Building Regulations may be difficult to satisfy and flexibility will be allowed where appropriate. Where permission has been given contrary to normally accepted policy in order to make renovation work possible, the applicant may be asked to enter into a legal agreement to carry out the necessary works to preserve the integrity of the building.

14.66 Some changes of use may inevitably lead to damage. Uses which lead to the subdivision of important internal spaces or where fire precautions result in the loss of historic features will not be looked at favourably. Conversion to residential use of farm buildings is likely to damage severely their agricultural character (see **Policy BE12 Conversion of buildings to new uses in rural areas**). In addition where a building's use is integral to its character, changes of use will not be permitted where these would prevent return to the original use, where such a return is considered desirable.

BE8 Historic Parks and Gardens

Development which would have an adverse effect on the character and setting of parks and gardens included in the National Register of Parks and Gardens of Historic Interest will not be permitted. The National Register currently includes the following historic parks and gardens in Torbay:-

- (1) **Watcombe (Brunel) Park, Torquay**
- (2) **Barton Road Cemetery, Torquay**
- (3) **Castle Tor, Torquay**
- (4) **Princess Gardens and Royal Terrace Gardens, Torquay**
- (5) **Oldway Mansion, Paignton**
- (6) **Lupton Park, Brixham**

Proposals which have a similarly adverse affect on sites which are proposed for inclusion in the National Register will also be refused.

Explanation:

14.67 Historic parks and gardens are characterised by a range of unique features. These can be both built (including water features) and planted and are also influenced by views in and out of the areas. They may also contain archaeological remains. There is a need to protect such sites and their settings from new development which would destroy or harm the historic interest.

14.68 In October 1987, under Section 8C of the Historic Buildings and Ancient Monuments Act 1953, inserted by the National Heritage Act 1983, English Heritage published the Devon Register of Parks and Gardens of Historic Interest as part of the National Register. This included three entries for Torbay; Watcombe (Brunel) Park (**BE8.1**), Castle Tor (**BE8.3**) and Lupton Park (**BE8.6**). In addition, Oldway Mansion (**BE8.5**) was designated in 1997, Princess Gardens and Royal Terrace Gardens (**BE8.4**) in 2001 and Barton Road Cemetery (**BE8.2**) in 2002. Each of these sites are of Grade II national importance except for Lupton Park (**BE8.6**) which is Grade II*. This Register ensures that their special historic value is taken into account when considering development proposals.

14.69 A nation-wide comprehensive review and inventory of Parks and Gardens of Historic Interest is currently being completed by the Centre for Conservation of Historic Gardens at the University of York which will update the Register. One additional

location, at Cockington Court in Torquay, has been proposed as a candidate Historic Park and Garden. This has yet to be formally designated by English Heritage. However, planning applications in or close to the area should have due regard to the proposed designation.

14.70 When appropriate, applications for development within historic parks and gardens will need to be preceded by an environmental impact assessment including a survey of historic interest.

14.71 Good management and appropriate restoration is essential if the quality of gardens is to be retained for future generations to enjoy. Advice can be sought from English Heritage (for registered sites) and the Garden History Society, who are statutory consultees in relation to sites of Grades I and II.

14.72 Where restoration and management proposals are associated with development proposals, the Council will require the developer to enter into a legal agreement or other commitments in order to secure long-term management objectives.

BE9 Archaeological assessment of development proposals

Archaeological remains and their settings should be preserved where the intrinsic and historic importance of these remains outweighs the need for the proposed development. There will be a presumption that Scheduled Monuments will be preserved.

Where development proposals may affect a site of archaeological potential, the applicant will be required to commission an archaeological assessment or field evaluation and submit the results of any assessment or evaluation to the local planning authority before the application is determined.

Explanation:

14.73 Archaeological remains are the evidence of the past development of our civilisation. Much of today's landscape is heavily influenced by human activity over thousands of years.

14.74 Archaeological remains are very varied, ranging from prehistoric cave dwellings to shipwrecks, to standing buildings, to modern military structures. These remains may be unique and are very vulnerable to damage and destruction. Archaeological sites contain irreplaceable information about our past.

14.75 Special protection for a small number of nationally important sites is given by their inclusion on a List of Scheduled Monuments which provides legal protection for them. Proposals affecting Scheduled Monuments may require an Environmental Impact Assessment to be carried out. These and other recorded archaeological sites are included on the Historic Environment Record held by the Council. These are described in **Section 15** of the **Environmental Guide**. However, it should be recognised that the Record only includes known sites and that new archaeological sites are being found all the time.

14.76 The Council will encourage and, where practicable, assist owners of important sites in adopting sympathetic management regimes.

14.77 Government advice is clear that there will be a presumption in favour of preserving important archaeological remains and their settings. However, not all remains are of equal importance and in assessing proposals affecting archaeological remains, the case for preserving them must be assessed on the individual merits of each case (PPG16 'Archaeology and Planning' (1990), paragraph 27). It is suggested that developers should contact the Council's Archaeologist before submitting a planning application in order to find out at an early stage whether there are likely to be archaeological constraints. Archaeological appraisals (desk-top studies) and field evaluations may be required for applications where archaeological remains are thought to be present. PPG16 explains the investigative process that should be followed in such cases. Submission of the results to the Council will be required before a decision can be reached as to whether an application should be approved or refused.

14.78 The Council will encourage developers to design building and landscape proposals that will minimise the disturbance of archaeological remains. It will also encourage the sympathetic management of sites by planning conditions and legal agreements where appropriate.

BE10 Recording of archaeological remains

Where an important archaeological site will be materially damaged as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission.

Explanation:

14.79 In some cases the archaeological remains on a site may not be of sufficient importance to justify the withholding of planning consent. In such a situation the Council will impose planning conditions to ensure that the archaeological remains will be adequately recorded. This will include analysis, interpretation, preservation and curation of the findings and the presentation of results to the public.

BE11 Edginswell hamlet envelope

Within the boundary of the hamlet envelope identified on the Proposals Map, the following proposals will be permitted:-

- (1) the development of the northern part of the envelope for high quality business use in a landscaped setting (see Policy E1.2(B) Riviera Way South, Torquay);
- (2) the enhancement of the physical and social fabric of the core area of Edginswell hamlet, within which the following forms of development may be acceptable:-
 - (a) refurbishment and re-use of redundant buildings for activities appropriate to the character and setting of the hamlet including residential and small-scale business use;
 - (b) environmental improvement schemes, including landscaping, traffic management and provision of public open space; and
 - (c) limited residential infill development which is properly related to the hamlet's surroundings.

Explanation:

14.80 The old hamlet settlement of Edginswell presents opportunities for both infill residential development and refurbishment of those buildings (some of which are listed) which are currently in a state of disrepair. The control of such development and the overall enhancement of the area in physical and community terms should be managed in the context of the hamlet development policy.

14.81 In view of the visual sensitivity of the proposed business use site (**Policy E1.2(B)**) and its proximity to the edge of the settlement, any development taking place on this site should also be controlled within the overall framework of this policy.

14.82 In the context of the policy framework established by **BE11**, a Planning Brief will be prepared

for employment site **E1.2(B)**. This will consider issues relating to landscaping, transportation, nature conservation and flood alleviation measures (see **Policy EP11 Flood control**) prior to the commencement of any development (see paragraph 4.70).

BE12 Conversion of buildings to new uses in rural areas

The change of use or conversion of buildings in the countryside which are important either visually or historically to its character will be permitted providing that the following criteria are met:-

- (1) the building is capable of conversion without the need for major extension, alteration or rebuilding;
- (2) where the building is of traditional construction, the scale, design and use of materials retain its existing character;
- (3) the use is sympathetic to the character of the building and the surrounding countryside;
- (4) the conversion will not involve the loss of nesting or roosting sites used by protected species; and
- (5) preference will be given to proposals for commercial, industrial, tourism and recreation uses which will provide opportunities for employment and rural diversification.

Explanation:

14.83 Some existing vacant rural buildings make a contribution to the character of their settings. The Council wishes to encourage the retention and re-use of these buildings, provided this is achieved without causing damage to their character. The 2001 revision to PPG7 sets out guidance for farm diversification projects. It states that these should be consistent with the scale of their rural location. The reuse of existing buildings is usually preferable to new buildings.

14.84 An often popular alternative use for these buildings is residential conversions. However, they can prove to be highly unsatisfactory. They tend to:-

- a) destroy much original fabric by making new openings and by replacing or removing structural elements such as timber frames and even by demolishing and rebuilding whole stretches of wall;
- b) disrupt walls and roofs with new doors and windows and break up rooflines with dormers and chimney stacks;
- c) block interior spaces with inserted floors and partition walls and remove original fittings; and

- d) create an enclosed plot cluttered with amenities such as garages, fuel tanks and hedges, that disrupt the agricultural setting and the integrity of any farmstead group; archaeological deposits may be destroyed by new foundations, drains or even swimming pools.

14.85 Other uses that can be more sympathetic to the character, setting and integrity of rural buildings will therefore be supported. Continuing agricultural uses may still be possible and small scale commercial, industrial uses and tourism facilities should be considered in the search for rural diversification and the retention of rural job opportunities. However, meeting halls, offices, restaurants and workshops may also offer potential for sympathetic re-use.

14.86 Policies H12 and H13 respectively set out further considerations for applications for new agricultural dwellings in the countryside and the introduction of residential caravans in such areas.